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EDITORIAL

RUCKELSHAUS CLEANING

The last time William Ruckelshaus was thrust by his President into the Dick Daring role (as in "Only you, Dick Daring, can save this Administration!"), he balked, refusing to fire Watergate special prosecutor Archibald Cox. Contrary to Mark Antony, the good of this deed was not interred with the bones of Ruckelshaus's Washington career. But the noble Roman's dictum about evil could be updated to apply with gruesome literalness to the E.P.A. scandal. The evil that Anne Burford, Rita Lavelle, James Sanderson and the rest of the wrecking crew have done to the environment will poison after them.

At his news conference last week to unveil Ruckelshaus, President Reagan said that agency heads who zealously tilted toward business had been "misreading" his views on getting government off people's backs. This is the President who gave custody of America's air, land and water to the "Colorado crazies"—James Watt, Robert and Anne Burford and other members of Denver brewer and Reagan supporter Joseph Coors's band of anticonservationists.

Appointment is a form of policy, and so is studiously looking the other way while the crazies went about Coors's and business's business—helping friends in Waste Management Inc. and its subsidiary Chemical Waste Management, hazing E.P.A. employees and doing political odd jobs for the White House.

Having represented the vinyl chloride industry in its efforts to rewrite E.P.A. air control standards for the chemical, and worked for Weyerhaeuser, a forest products company which has been fined a total of $855,000 for 277 air and water violations, Ruckelshaus can safely be said to know "industry's side." Now he must demonstrate, by major personnel and policy changes, that he has not forgotten the public's side—or how to say no to a President.

HOME COMPUTER SWEATSHOPS
Philip Mattera

I.M.F. CURE FOR BRAZIL
Carl Peterson

MANY RITA LAVELLES
Robert Nelson

LABOR'S NEW HISTORIANS
Michael Kazin

PRAISESONG FOR PAULE MARSHALL
Margo Jefferson

A HISTORICAL INQUIRY

THE GEORGE WASHINGTON PAPERS CASE

M.B. SCHNAPPER

Hard cases make bad law, but what about tarnished cases—decisions, say, in which a judge has concealed personal interests? In the best of all possible worlds, such cases would make no law at all; in the legal world, however, they can well become binding precedents.

Such a case is *Folsom v. Marsh*, decided in 1841 by Supreme Court Justice Joseph Story. The matter at issue was whether George Washington's Presidential papers were owned by his heir or by the public. For reasons I will describe, Story ruled that a Chief Executive's papers are his personal property to bequeath, sell or dispose of as he sees fit.

Following Story's decision, *Folsom* sank gradually into the compost heap of the law. Now, 142 years later, the full story should be told, for the case acquired a new significance when it was applied to the ownership of Presidential papers in 1974. Attorney General William Saxbe resurrected it in a memorandum to President Gerald Ford, advising him on the disposition of Richard Nixon's papers and tapes following the latter's resignation. With Saxbe's opinion as authorization, Ford decided that the materials belonged to Nixon. After protracted legal wrangles over the Watergate tapes, Congress passed the Presidential Records Act of 1978, which assigned ownership of future Chief Executives' papers—but not control of the information acquired in office—to the public.

The question of who controls this information is of critical importance because if Presidents can, after leaving office, withhold, censor or manipulate information about their Administrations—

(*Continued on Page 396*)

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LETTERS.

HUMAN RIGHTS IN NICARAGUA

New York City

It is a pity that Günter Grass coupled his defense of Nicaragua's right not to have its revolution crushed by the United States ["Solidarity With the Sandinists," *The Nation*, March 12] with an apologia for the human rights abuses of the Sandinist regime. It ought to be possible to uphold a nation's right to self-determination without explaining away its denial of the right of individual or ethnic self-determination.

Grass celebrates the readiness of Interior Minister Tomás Borge to take him to see Tipitapa prison, where conditions are not bad. Perhaps he didn't bother to find out that Tipitapa is one of the regular stops for tourists of the revolution but that human rights groups have been unable to gain access to El Chipote, the security prison where interrogations are conducted.

Grass tells us that the soil and the health conditions are good in the camps where the Nicaraguan government has resettled thousands of Miskito Indians. Here he concedes that "every forced uprooting of people causes pain, no matter how well planned." Perhaps he didn't bother to find out that the Miskitos had no voice in any plans before they were forced to leave their ancestral lands, homes and possessions, and that they are *required* to live in the camps.

Grass says that the Archbishop of Managua "foments strife within the church" as though it were unnatural for a church to try to keep itself separate from the government.

Grass tells us that Nicaragua "lacks strong political parties." Perhaps he did not bother to find out that the Sandinists severely restrict other parties' right to hold meetings and that prior censorship of the press, in effect for the past year, places obstacles in the way of those who might organize a democratic, peaceful opposition.

The sins of the Sandinists do not absolve the United States of its greater guilt for sponsoring the brutal and corrupt rule of the Somozas. Nor do human rights abuses in Nicaragua provide the least possible justification for U.S. sponsorship of murderous raids across the Honduran border. Indeed, those border raids contribute to abuses of human rights, especially those that have victimized the Miskitos.

Günter Grass deserves praise for defending the cause of Nicaraguan independence. He would be a more credible advocate, however, if he did not shield his eyes from the wrongs done by the Sandinists.

Aryeh Neier
Vice Chairman, Americas Watch

QUELLING INJUSTICE

New York City

To disprove Reagan's contention that nothing like the Miami riots took place during the Great Depression, Mark Green states: "Army troops were required to quell the 'Bonus Army March' in Washington, D.C., in 1932" ["Reagan's Reign of Error," *The Nation*, March 5]. That's like saying the National Guard was "required to quell" protesters at Kent State.

In fact, President Herbert Hoover and Secretary of War Patrick Hurley, who feared a Communist uprising, used two brief skirmishes in an otherwise peaceful demonstration as a pretext for calling in Federal troops. Under General MacArthur, cavalry, tanks and infantry entered downtown Washington, routed the marchers and then proceeded to set their encampment in the Anacostia Flats on fire. "What a pitiful spectacle is that of the great American Government, mightiest in the world, chasing unarmed men, women and children with army tanks," the Washington *News* observed at the time.

By misrepresenting history, Green has not only defended Hoover's gross mishandling of the Bonus Army incident and upheld his Administration's claim that the U.S. Army was guilty of no violence; he has done the veterans of 1917 a great injustice. Reagan's errors and inconsistencies certainly demand scrutiny, but they can't be effectively criticized by one who errs in the name of "truth."

John A. Glusman

GREEN REPLIES

New York City

Two comments.

First, I agree with the history lesson of the second paragraph. Indeed, the original draft of the sentence read, "Army troops brutally dispersed World War I veterans marching for a bonus in 1932." This sentence was cut from the manuscript and later reinstated in the wording that appeared.

Second, Glusman's last paragraph is sanctimonious, overbearing and gratuitous. In the context of the article, any fair-minded reader would understand that my point was to demonstrate how social disaster can lead to street protest, not to defend Hoover or defame World War I veterans. It retards thoughtful discussion when bilious critics strain to uncover bad motives in innocent semantic differences. Glusman, stick to history, not histrionics.

Mark Green

A TRAVELER'S TRAVAILS

Detroit

Maurice Isserman's review of William L. O'Neill's *Stalinism and the American Intellectuals* ["Was Our Face Red?" *The Nation*, March 19] recalls how I, a wary fellow traveler, survived between 1935 and 1937.

"My" Communists of those days may have viewed me as architectural freight. But I, as a disciple of Thomas Robert Malthus, looked down on them as newcomers in social theorizing. It was as a Malthusian bachelor that I wrote "Militarism versus Socialism in Russia" [*The Nation*, Dec. 16, 1939]. As I saw it then, women in the Soviet Union—under the indirect pressures of war preparation—were having too many babies.

But it is not the theorizing about the world situation that's interesting now. It's the small things that ring the bell of memory. In 1935, the radical Federation of Architects, Engineers, Chemists and Technicians (F.A.E.C.T.) had its office in a ramshackle two-story building near Irving Place in New York City. To get to it, one climbed a creaky wooden staircase. The place had a 1905 revolutionary atmosphere except that its naked electric light bulbs were an advance over gas jets. Among our members was a Russian-born engineer who objected to the glare of the light bulbs; he donated six Japanese parasols. Inverted, they reflected each light against the ceiling. As a newcomer to revolutionary atmosphere, I marveled at the Russian's esthetic impulses.

In 1937 . . . the F.A.E.C.T. moved uptown to a concrete loft building that had an elevator. To this place it invited Clarence Stein, Lewis Mumford and Frank Lloyd Wright—people who, before this, had been thought of as hopelessly bourgeois.

An F.A.E.C.T. school was started. I was nearly broke but took a course, at a small fee, in mechanical and electrical equipment of buildings. I didn't hesitate to express my opinion of the futility of such courses. There would be no jobs for us students, I thought. The climax came in a classroom when I said to the instructor, "I'm studying to be a park-bench bum." Said he, quietly, "I wish you wouldn't do it here."

Alan Mather

A VIEW FROM TOLEDO

Toledo, Ohio

I resent and deplore the editorial "Two Faces of the Pope" [*The Nation*, March 19]. Our Holy Father is the only hope for peace and love in this wicked world, made more so by the rotten propaganda published in this leftist magazine. He is a man of God trying diplomatically to bring peace to countries that are torn apart by Communist plots.

Nation articles should stick to things their authors might know something about; there are very few pieces indeed that aren't colored by loathsome lies. There never can be a separate "people's church," as the editorial calls it, in the Roman Catholic Church. The church is the people, all people. Our Blessed Lord established one church under St. Peter when he said to him, "Thou art Peter and upon this Rock I will build my Church and the gates of hell shall not prevail against it." You are either out of the church or in it under our Lord's representative, Pope John Paul II. . . .

Jane McCarthy

P.S. I would not recommend *The Nation* to anyone on this planet.

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EDITORIALS.

Built-In Bloat

Defying an economy measure passed by the House a few hours earlier, President Reagan made a slick audio-visual presentation—complete with animated graphs and blurry aerial photographs of Grenada—for the huge defense budget ($238.6 billion) and a rate of increase (14 percent) unprecedented in peacetime. But there is a more serious menace in the budget than its size. If Defense Secretary Caspar Weinberger's requests are approved in toto, it will be almost impossible to reverse the huge arms buildup in future years, no matter who runs the Pentagon or occupies the White House.

This is the critical moment in the implementation of President Reagan's massive military expansion program. The Congressional action Weinberger is asking for now will commit the United States to long-term contracts that lock in future spending increases. That spending authority would rise, in Weinberger's plan, from $240.5 billion this year to $274 billion in fiscal 1984. And Weinberger will not be moved, not even by conservative Republicans worried about bulging deficits.

"We simply cannot wait to restore our military strength,"

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he told the House Appropriations Committee in February. "We must do it now, this year, in this budget."

There were no surprises in Weinberger's requests, and only a few in his rhetoric: e.g., he dropped the references to a "protracted" nuclear war in which America must "prevail," which so rankled politicians and the press when he used them last summer (on August 6, Hiroshima Day).

The budget escalation is most evident in the "procurement" category—current spending for hardware. Outlays there will jump 24 percent, to $68.2 billion in 1984. And the authorized spending for future procurement will soar to $94.1 billion. This is a $26 billion increase over last year's allocation for contracts on new weapons that may not enter production for years to come.

New weapons systems automatically generate a political constituency of companies, communities and labor unions with a great stake in advanced militarism. If Congress approves Weinberger's 1984 budget, procurement outlays will rise at an annual rate of 19 percent over the next five years, to $131.4 billion in 1988. That's a lot of gravy for the Pentagon's constituents, and they would not lightly stop the train.

What will it all buy? First:

§ **Nuclear weapons.** The Pentagon wants $28.2 billion for new nukes, a whopping 37 percent increase over last year's figure. Before his rhetorical second thoughts, Weinberger argued that the money was needed to improve America's capacity to fight a protracted nuclear war. Now he says it will go to "revitalize" the nuclear program.

The biggest systems in the nuclear category are the B-1B bomber and the MX missile. Weinberger wants $6.2 billion for ten of the bombers—only $620 million per plane. The MX is supposed to get $3.4 billion in research and development funds, $390 million for construction and $2.9 billion for procuring twenty-seven missiles. Then there's a tidy bundle, $4.6 billion, for the eleventh Trident nuclear-armed submarine and procurement of Trident missiles.

Less visible than planes, missiles and subs, however, is the operational infrastructure of nuclear war—the satellites, radar, communications systems and other programs collectively known as C^3I (for command, control, communications and intelligence). Weinberger wants to enhance the "survivability" of these systems after Reagan pushes the button, at a cost of $2.1 billion next year, up 31 percent from this year. To round out the nuclear category, "strategic defense" (that is, space warfare) will cost just under $1 billion in 1984 and just under $2 billion in 1985. And "theater" nuclear weapons—the little ones the Europeans are so exercised about—will cost $1.1 billion in fiscal 1984.

§ **Conventional forces.** While the biggest push is for nuclear weapons, the Administration is also plumping for increases in spending for "general purpose" forces—the air, sea and ground forces that assert a global military presence in peacetime and conduct most of the fighting in wartime. Weinberger wants a 9 percent budget hike, to $110 billion in 1984.

Weinberger emphasizes modernization programs, particularly what the Pentagon calls "E.T." weapons, for "emerging technologies." These are conventional munitions equipped with sensors and microcomputers capable of seeking out enemy targets and hitting them with a "kill probability" near 100 percent.

There are many more market items the Pentagon wants to buy for the Air Force, the Army, the Navy and for the Rapid Deployment Forces—those multiservice units which are supposed to go traipsing off to hot spots (President Carter got the idea during one of the Middle East oil crises), at enormous expense, to fight whoever is prohibiting the United States from getting what it wants.

Weinberger is unyielding on the whole budget because he wants to keep the system unmanageable and cost-ineffective for the decade to come—to make future cuts and reforms more difficult politically. But the protective layers of fat with which he seeks to insulate the war makers could provide members of Congress who want to scale down militarism for economic and foreign policy reasons with some obvious arguments for putting the Pentagon on a diet.

Racism Redux

The advertisements promoting Nancy Reagan's guest appearance on the March 19 segment of NBC's *Diff'rent Strokes* showed the First Lady in a white dress opening a door and getting a warm welcome from a happy black child. Evidently young Arnold (Gary Coleman) had not been informed of the racist week that was, and that the First Husband was in many ways responsible.

For a start, President Reagan's Environmental Protection Agency was discovered "going slow" on lead poisoning control in poor black neighborhoods in Dallas. Then, Reagan's Justice Department began beating up on Representative Ron Dellums, alleging—that is, rumoring—that the leftish California Democrat used drugs. Next, the U.S. Commission on Civil Rights charged that the Reagan Administration had all but given up on civil rights and was not cooperating with the commission's request for documents.

After a brief period of official good behavior, the government, in its various guises, is back in the racism business. The country seems to have journeyed back in time to the pre-1964 Civil Rights Act days, when Mississippi's Governor Ross Barnett could enter a courtroom and warmly shake the hand of Byron De La Beckwith, the man on trial for assassinating N.A.A.C.P. leader Medgar Evers.

The bad old days were recalled on television, not long after Nancy and Gary did their sitcom number, in a public television program, "For Us the Living," based on the 1967 memoir of the same name by Evers's widow, Myrlie. Twenty years ago, Mississippi segregationists carefully chose Evers as their target. In the last months of his life, the 37-year-old field secretary for the civil rights organization was busy, sometimes twenty hours a day, forging a Mississippi coalition of the older N.A.A.C.P. members and newly militant college and high school students. Combining courtroom litigation with economic boycotts and sit-ins, Evers led with unflagging courage an increasingly successful crusade to

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make the state capital, Jackson, an integrated city.

"I suppose the man who killed Medgar loved Mississippi in his twisted, tortured way," Myrlie Evers wrote in her eloquent memoir. "He must have loved the Mississippi that divides whites from Negroes . . . . I suppose he was a jealous suitor, seeking by his murder to eliminate a rival, for he loved the Mississippi Medgar sought to change."

Myrlie Evers was not naïve enough to subscribe to a "lone assassin" theory. "In many ways, the act of murder that deprived me of my husband was an official act," she wrote. "It is almost as though the assassin had been appointed by the state to carry out the execution of an enemy of the state, an execution that the state could not, in all good public relations, carry out itself."

In the TV film, the American civil rights movement was brought back in its full glory. "Negro" college students were sitting in and integrating the Jackson library. Medgar Evers was going after the murderers of 14-year-old Emmett Till (who were eventually acquitted by an all-white jury, as was De La Beckwith). As portrayed by handsome, dignified Howard E. Rollins Jr. ("Coalhouse" Walker in *Ragtime*), however, Evers came uncomfortably close to sainthood. Almost Christlike in his passion and devotion, he even foretold his own death, gathering his family about him in Last Supper fashion, asking them to be brave.

In fact, Medgar Evers was in an optimistic frame of mind before his death. He had heard President Kennedy's civil rights speech to the nation on June 11, 1963, and rejoiced in it, convinced—the true irony—that the American government would take an active role in the civil rights struggle at last.

GERALD PEARY

Gerald Peary writes for American Film *and teaches at Suffolk University in Boston.*

Right to Heckle

Free speech is once again a major issue on the Berkeley campus—two decades after the Free Speech Movement ignited a generation of student protest. But this time it is the Administration rather than the students that is claiming its rights were violated.

On February 15, U.N. ambassador Jeane Kirkpatrick arrived on the University of California campus to give the annual Jefferson Memorial Lecture to an overflow audience of some 800 people at Wheeler Auditorium. Her topic: "Human Rights and Wrongs in the United States," a subject she apparently researched the previous week on a visit to El Salvador, where she proclaimed support for what she had once called the "moderately repressive" regime.

Kirkpatrick's appearance on a podium of honor provided a provocation Berkeley could hardly ignore. A handful of students appeared in white "death masks" in front of the auditorium, and later a larger group, organized by Students Against Intervention in El Salvador (SAINTES), launched a collective heckle.

When she spoke of the "moral basis" of American foreign policy, the demonstrators made derisive noises and chanted, "U.S. out of El Salvador!" When she claimed, "The defense of human rights is as American as apple pie," the liturgical response was: "Forty thousand dead!" That drove Kirkpatrick from the stage—but only momentarily. Regaining her confidence, she returned quickly and finished her address. Later in the day, however, she canceled a second scheduled lecture and flew back to Washington after firing a parting shot: "I have not seen a group so interested in denying free speech and discussion."

The issue of the day, which had been Kirkpatrick's role as architect and executor of America's pro-authoritarian (her term) policy in Latin America, was thus transformed into freedom of speech. More to the point, it became a clash of conflicting rights: the right to heckle and the right to lecture. Both are enshrined in American tradition, but it was instructive to see on which side various sectors of the Berkeley community—and the government—would stand.

The faculty members who invited Kirkpatrick, the student body president and Berkeley Chancellor Ira Heyman all condemned the students, and the leading local dailies editorialized mightily in Kirkpatrick's behalf.

The demonstrators and some faculty members fought back. History professor Reginald Zelnik, in one of the many letters that poured into the campus newspaper, *The Daily Californian*, wrote, "Inviting Kirkpatrick to speak on human rights in a context that was clearly intended to be honorific was unjustified in view of the government's record in the area of human rights in El Salvador." The student senate refused to condemn the protest or to cut SAINTES's funding, and Chancellor Heyman indicated that he would not seek to punish the demonstrators.

But the issue would not die. Glenn Campbell, chairman of the university's Board of Regents, director of the Hoover Institution and chairman of President Reagan's Intelligence Oversight Board, took up the cause. Admitting he "may have spoken with White House officials who were rightfully indignant about the ambassador's treatment," Campbell introduced a motion at a Regents meeting calling on Heyman to punish the protestors. The motion failed, but two habitually absent regents, Attorney General William French Smith and William Wilson, U.S. Ambassador to the Vatican, were present and voted for the motion.

The competing claims of hecklers and lecturers remain unresolved. But in practice the rights of the two sides are not equal. Kirkpatrick was provided a podium and invested with the prestige of one of the country's most powerful educational institutions. Her appearance was a political promotion endorsed by a university guest lectureship. The First Amendment, after all, was designed to empower ordinary citizens against officialdom—and to protect their rights to criticize and petition their leaders. In the real world, free speech is ordinarily reserved for those who own a podium.

ART GOLDBERG

Art Goldberg, formerly with Ramparts, *lives in Berkeley, California.*

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MINORITY REPORT.

CHRISTOPHER HITCHENS

An Oxford professor meets a former Ph.D. student and courteously inquires what he's working on these days. "I'm writing a book," says the other, "on the survival of the class system in America."

"Really, how fascinating. I didn't think they had a class system in America."

"Nobody does. That's how it survives."

As long as this joke (if it is a joke) has any point, it will be futile to dismiss Marx as "irrelevant." The centenary of his death, celebrated with smugness or indifference in most quarters (*The New York Times* spent itself in a snigger about the old story of his bastard child), should remind people how much they owe the old man every time they discuss civilization and its surprisingly numerous discontents. Like Molière's too much quoted Monsieur Jourdain, who discovered to his pleasant astonishment that he had been speaking prose all his life, many people who dismiss Marx as a "determinist" and an "economic materialist" or as the grandpapa of Stalinism are actually using his lines all the time.

The core of Marxist thought, and the reason for its stubborn survival, is the enduring conflict between the *forces* and the *relations* of production. The genius of the capitalist system lies in its inventive and creative nature—in its scorn for tradition, custom and fetish. The menace of that same system occurs when it erects, by apparently voluntary labor, a thing beyond the control of its creators. To take a currently salient example, the "environment" is not the gift of entrepreneurs, risk takers or investors. It is the common, inherited property of humanity. Yet, as Marx put it:

> At the same pace that mankind masters nature, man seems to become enslaved to other men or to his own infamy. Even the pure light of science seems unable to shine but on the dark background of ignorance. And our invention and progress seem to result in endowing material forces with intellectual life, and in stultifying human life into a material force.

Who, living under the wings of the nuclear state and experiencing the pressure of conformity, can dismiss that as a nineteenth-century observation?

Again, it's only a short while since characters like Daniel Bell and Sidney Hook were writing as if they had understood Marx better than he had himself. They pointed to the apparent abandonment of "alienation" in the canonical texts, and with much gravity alleged that the poor had not got poorer. This half-formed critique was intended to challenge the labor theory of value. But it took no account of Marx's seminal work (commonly known as the *Grundrisse* or *Foundation*), in which a clear distinction is made between "labor" and "labor power." Thus, the term "exploitation" need not mean starvation and misery—though in much of the capitalist world it still does. It signifies the extent to which the skills and abilities of those without capital are appropriated by those with it.

> Although every capitalist demands that workers should save, he means only his own workers, because they relate to him as workers. By no means does this apply to the remainder of workers, because they relate to him as consumers. In spite of all the pious talk of frugality he therefore searches for all possible ways of stimulating them to consume, by making his commodities more attractive and by filling their ears with babble about new needs.

Remind you of anything? Don't overlook the coda, the sting in the tail:

> It is precisely this side of the relationship between capital and labor which is an essential civilizing force and on which the historic justification—but also the contemporary power—of capital is based.

Marx's paradox, then, is the love-hate attitude he manifests toward the achievements of the bourgeoisie. That distinguished class has never produced or paid anyone who could sing its praises as he did. On its own, this elementary observation demolishes the pseudo-scholastic view that Marx was a "determinist" or a banal proponent of the idea that economics decides everything. It is, in our day as in his, the apologists of the existing order who argue that economic logic justifies their own position. Marx wrote, and believed, that:

> History does nothing; it does not possess immense riches, it does not fight battles . . . it is not "history" which uses men as a means of achieving—as if it were an individual person—its own ends.

Yet, for all his insight into the innovative and ingenious character of capital, Marx also understood the destructive and destabilizing path it might take. He may never have imagined the horrors of World War I and fascism when he diagnosed the ills of class society, but he realized that capital was suspicious of its own claims about the market system and the "freedom" that it supposedly allowed. As he pointed out, the abolition of competition in favor of monopoly, when it occurred among businesses, would only intensify competition among workers. Does such an idea seem antiquated in the decade of the disposable employee?

When people talk of "the economy" as an organic unity, untrammeled by class, by interest and by special holdings, they convict themselves of ignorance and of not having read Marx. When they say that Marx was the patron of the Warsaw Pact, they convict themselves of not having read his famous assault on Hegel. Bureaucracy is not the resolution of social conflict but the result of it, he wrote. Militarism is the forcible resolution of that contradiction. Let Prussia be Prussia.

Socialism was an idea before Marx. Democracy was an idea before Marx. Social revolution was an idea before Marx. What he showed was that you can't have any of the above until you are ready for them, and that you can't have one without the others:

> The materialist doctrine concerning the changing of circumstances and upbringing forgets that circumstances are made by men and that the educator must himself be educated.

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UNCIVIL LIBERTIES.

CALVIN TRILLIN

In its coverage of a railroad strike that forced Westchester County commuters to take the subway from the Bronx, *The New York Times* ran a headline recently that said, "Rail Commuters Learn the ABC's of the IRT." The headline writer who did that one is obviously someone who lives in Montclair, New Jersey, commutes every day to the Port Authority bus terminal and walks the three blocks to *The Times*. If he had ever tried riding the subways, he would know that the IRT doesn't have any ABCs. It has &%#s, and even those are illegible. Any Westchester commuter who tries to go from the Bronx to midtown Manhattan thinking he can learn the ABCs of the IRT is going to end up in Queens Plaza. Most people who try to get from the Bronx to midtown Manhattan end up in Queens Plaza anyway, but at least they do not travel under any illusions.

Many years ago, I revealed the secret of the New York subway system: the secret of finding your way around in it is actually a secret. That's right. There are things about the subways that you are not meant to know. One of the things is how to get from the Bronx to midtown. You don't believe me? Ask yourself why the New York subway system, alone among the mass transit systems of the world, has maps inside rather than outside the trains. It's to force you to get on the wrong train in order to find out where you're going. Then, you have to shove your way through a lot of people who look irritable and maybe dangerous to find a map upon which no one has spray painted "Rico-179." Then, assuming that you are a graduate of the Royal Institute of Cartography, you decipher the map to discover that the first step in reaching your destination is to get off the wrong train at the next stop. Fine. The next stop is Queens Plaza.

When the *Times* headline writer implied that the IRT has ABCs, he might have been thinking of the BMT, which doesn't have ABCs but does have RRs and Ns. Although you wouldn't know it from the dissimilarity of the letters, the RR train and the N train go to more or less the same places. Why do they go to more or less the same places? Because you wouldn't know it from the dissimilarity of the letters, that's why. That is also why the D and the QB go to more or less the same places. In keeping with the same policy, the A and the AA, which sound very similar indeed, do not go to more or less the same places. Why? You were not meant to know.

Why were you not meant to know? Because you're an out-of-towner, that's why. The whole point of the subway system is to keep out-of-towners—particularly out-of-towners who have lived in New York for twenty or thirty years—from finding their way around. Only real New Yorkers can find their way around in the subway. If just anybody could find his way around in the subway, there wouldn't be any distinction in being a real New Yorker except talking funny.

I'm an out-of-towner myself, although I try to hide it sometimes by talking knowingly of the QB or the GG, neither of which I would dare ride. Once, while going uptown on the West Side IRT local, I was waiting for the doors to close at the 14th Street station when a voice on the public address system announced that the train on the local track was going to become an *East Side* train, making express stops only. I dashed from the train. Safe on the platform, I looked back. No one else had moved. I couldn't believe it. Didn't anybody else know how inconvenient an East Side express train might be for somebody who started out on the West Side local? Suddenly, it hit me: Why had the announcement been understandable? Normally, public address announcements on the subway are so unintelligible that for years I wasn't sure which language they were being made in. As the doors closed, a real New Yorker sitting on the train gave me a knowing smile. It must have all been a feint to shake up the out-of-towners. I had been spotted.

Knowledge of feints may be why New Yorkers seem so docile in the face of the unscheduled stops and bizarre route changes of public conveyances. A few years ago, *The Times* reported that, according to a survey taken by the staff of a state assemblyman, almost all buses arrived at their final stop late and 14 percent did not arrive at all. Never! I think of those buses often. At the first detour—a sharp left from Madison Avenue straight across town through the Lincoln Tunnel—the passengers must have assumed that the driver was just having a bit of fun with a Japanese tourist. They would look up briefly, and then go back to their *New York Post*s. But how about now? I see a bus somewhere on the plains of Nebraska. The driver is hunched over the wheel, wearing the demonic look of someone who cracked under the strain of being asked 238 times in one day how far up Madison Avenue the Number 3 goes. By now, the passengers have been reduced to reading the horoscope section and the ads for singles weekends in the Poconos. The only sound is the voice of a lady in the back, who says, "Does this bus stop in Bay Ridge or doesn't it?"

Keeping out-of-towners confused is why New Yorkers are always saying the subways are dangerous. The subways are not dangerous. Buckingham Palace and Beverly Hills are both more dangerous than the subways. Thinking that the subways are dangerous keeps out-of-towners too edgy to find their way around. Say an out-of-towner on his way from Herald Square to Bloomingdale's on the N train sees two suspicious-looking teen-agers get on at Times Square. He thinks they're muggers because they're wearing sneakers. Actually, they're honor students at Brooklyn Tech. They're wearing sneakers because they're both champion high jumpers as well as honor students, and whenever they go to midtown they like to entertain themselves by high jumping over telephone booths. The out-of-towner keeps looking at them out of the corner of his eye. He is concentrating so hard he doesn't notice that the train has stopped at Bloomingdale's and then stopped again. Suddenly realizing his mistake, he rushes from the train at the next stop. Queens Plaza.

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ARTICLES.

HIGH-TECH COTTAGE INDUSTRY

Home Computer Sweatshops

PHILIP MATTERA

At 6 A.M., Ann Blackwell slips out of bed in her home in Elgin, South Carolina, and walks to the den, where she activates a Texas Instruments 770 terminal. The green screen flickers as the machine begins transmitting Blackwell's work from the day before to a computer located in the offices of her employer, Blue Cross-Blue Shield of South Carolina. A few hours later, having seen her children off to school and cleared the breakfast dishes, she returns to the terminal and gets to work processing physicians' claims. With breaks for household chores and lunch, she remains at the keyboard until it is time to prepare dinner.

For the past five years Blackwell has been working at home this way as a participant in what Blue Cross calls its "cottage keyers" program. Blackwell puts in an average of fifty hours a week at the terminal, mostly while her two children, aged 7 and 13, are at school; but when she is behind quota she works at night as well. She is paid 16 cents per claim, each of which requires about ninety seconds to process. By completing about 2,000 claims a week (the company requires a minimum of 1,200), she nets about $100—after deductions for taxes and equipment rental charges paid to Blue Cross. That is for a fifty-hour week, with no paid vacation time, no paid sick leave and no fringe benefits.

Blackwell admits that the work is boring and lonely, but she likes not having to get dressed up and drive to an office. She also likes the flexibility but dispels any notion that her job is a cushy one. "You've got to discipline yourself," she says.

Like Ann Blackwell, several hundred clerical and professional workers across the country are participating in home work projects, which, if they prove successful, could radically alter the conditions of employment for millions of people. These typists, claims processors, data entry clerks, computer programmers and other "information workers" have agreed to abandon the office and perform their tasks at home, on computer terminals electronically linked to a company's main office. They are part of a new trend toward what is called, in management jargon, "telecommuting," "remote work" or "flexiplace."

The revival, in high-tech form, of the home workplace, which had largely vanished under capitalism, was heralded several years ago by futurologist Alvin Toffler in his book *The Third Wave*. Toffler described the "electronic cottage" in glowing terms and predicted that its advent would alter "our entire economy, our cities, our ecology, our family structure, our values, and even our politics . . . almost beyond our recognition."

Hyperbole aside, there is no doubt that a wide expansion of electronic home work will have serious social consequences. But what Toffler and other propagators of the idea ignore are the negative effects that the shift of work to the home could have on the worker. As Dennis Chamot of the A.F.L.-C.I.O. warns, "The potential for exploitation and abuse is tremendous."

Electronic home work is a curious amalgam of late twentieth-century technology and what in some instances amounts to early nineteenth-century working conditions. Ann Blackwell's situation at Blue Cross is not necessarily typical of the conditions faced by all the people who have participated in home work programs sponsored in recent years by companies such as Control Data Corporation, Aetna Life & Casualty Company and Continental Illinois Bank. Yet the use of home work, particularly by clerical workers, is being promoted in management literature in part as a way to cut costs. The message seems to be that home workers, predominantly women, can legitimately be denied the pay levels and benefits enjoyed by their colleagues in the office. Managers are also enticed by the prospect of a work force for which absenteeism and tardiness are virtually eliminated.

If for the boss electronic home work means potentially lower labor costs, for workers the arrangement means isolation and an end to the socializing and informal cooperation that are often the only things making a job bearable. In an advertisement for Lanier Business Products' Telestaff System, the company praises the virtues of a physically dispersed labor force: "The Telestaff Station. It brings work to your office. Not people."

Companies such as Control Data that pride themselves on being socially responsible emphasize the humanitarian aspects of home work, portraying it as a boon to the handicapped and to those who cannot travel to an office. Addressing a communications conference in 1981, Control Data vice president Gail Bergsven described her firm's experiment as part of a "holistic" management approach through which "the corporation can help itself by helping its employees."

The workers apparently are not encouraged to help themselves. None of the current home workers belong to unions, and union leaders charge that companies are so enthusiastic about shifting clerical work to the home because they see it as a way of keeping their office workers unorganized. "It's a union-busting tactic," states June McMahon, research director of the Service Employees International Union. Because of the difficulty organizing home workers and preventing employer abuses, the executive board of the S.E.I.U. approved a resolution last year calling for a Federal ban on electronic home work.

Thus, as it has so often in the past, new technology has transformed the role of labor as well as the techniques of

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production. The growing corporate interest in the electronic cottage reflects other forces at work—notably the structural changes now taking place in the economy, which have been accelerated by the current recession. Information processing is gradually replacing heavy industry as the driving force in the American economy, and with the advent of microcomputers, some of this work can be farmed out.

Home work could also feed into another trend—business decentralization. Many employers have decided that gathering a large work force under one roof is not the most profitable way of doing business. Advances in flexible automation are making it possible both to reduce the payroll and to disperse the remaining employees throughout a constellation of small facilities. Unionized companies have been making greater use of subcontracting, parceling out work to low-cost nonunion suppliers. Last year unions representing 8,000 workers at General Electric's plants in Schenectady, New York, struck for two days to protest G.E.'s transfer of work to such companies.

At its worst, decentralization has caused the resurgence of the sweatshop and an exploitative underground economy. Home work in a more traditional form—garment making—has burgeoned among undocumented workers in New York City and Los Angeles, as well as in small towns in the Northeast. The Reagan Administration, which favors any measure that will lower labor costs, has sought to repeal Federal rules, issued during the 1940s, which ban home work in various kinds of light manufacturing.

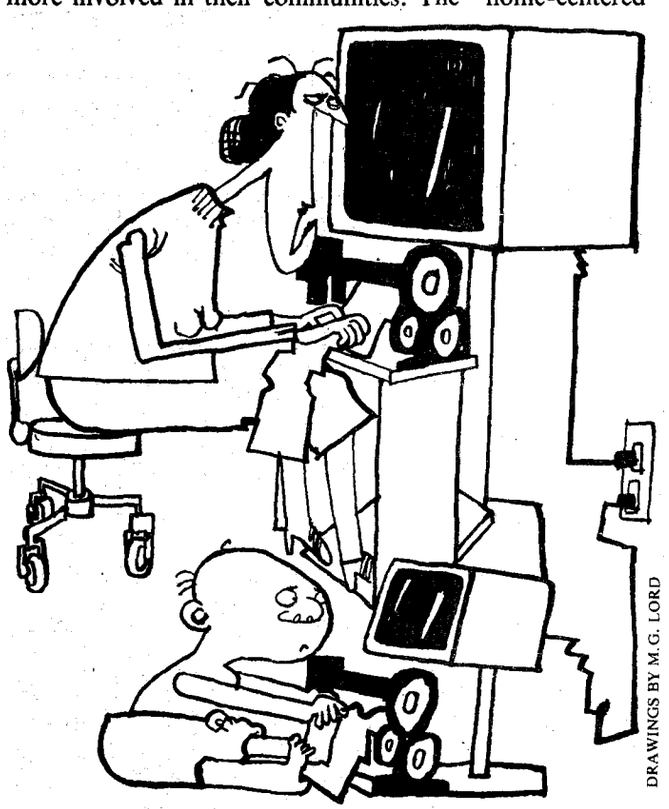
Home work, in both its traditional and electronic forms, represents decentralization carried to its logical extreme: shrinking the production unit down to a single worker in his or her home. Since so few office workers are unionized, there is a heightened risk that some service businesses will become new runaway shops, cutting back on office staff and giving their jobs to low-paid workers toiling in their homes. Unable to bargain for higher wages, these computer pieceworkers might be forced to supplement their earnings by putting family members to work. In view of the growing computer sophistication of young people, this could give rise to a new form of child labor.

The danger of a domestic electronic sweatshop is obscured by the depiction of the electronic cottage as a form of entrepreneurship. Promoters like Toffler assume that home workers cease to be mere employees and are transformed into independent contractors. But it is just that status that makes it easier for business to deny them fringe benefits and hourly wages. Karen Nussbaum, executive director of 9 to 5, the National Association of Working Women, argues that the idea of entrepreneurship "does not bear much relevance to clericals. What's happening is that the employer is shifting overhead to the worker and evading demands for decent pay and benefits." For clerical workers, working at home could be "an unmitigated disaster," according to Nussbaum.

Some feminists take a more tolerant attitude toward electronic home work, arguing that it provides homebound women with their only means of earning an independent income. Margrethe Olson, who is doing research on the phenomenon at the New York University School of Business Administration, acknowledges the potential for abuse, but views home work as an opportunity for women with young children to work part time on a flexible schedule. (Olson insists, however, that it should not be viewed as a substitute for day-care facilities.) Supporters also point out that working at home enables people to avoid the daily commute, the sometimes stifling atmosphere of the office and the need to get dressed up to go to work.

Some of the positive attitudes toward home work stem from a selective definition of the kind of work involved. Actually, the skill levels needed vary. First there are the low-paid clerical workers doing routine tasks requiring little experience or expertise. They have the least bargaining power and are most vulnerable to exploitation. Then there are better-paid professionals and executives who may bring work home to do on their personal computers. There are also limited numbers of professionals who are participating full time in home work experiments, as well as an even smaller number of computer specialists who can sell their services by means of their home terminals. For some of the latter, entrepreneurship is often genuine—and quite lucrative. Computer magazines are full of tales about clever software producers setting up shop on their kitchen tables and becoming overnight millionaires.

It is usually the upscale professionals and entrepreneurs that futurologists like Toffler have in mind when they proclaim that electronic home work is the harbinger of a glorious new age in which work and social life will be decentralized. The state of complete separation of home and workplace, which was brought about by the Industrial Revolution, will end, they argue, and people will become more involved in their communities. The "home-centered



DRAWINGS BY M.G. LORD

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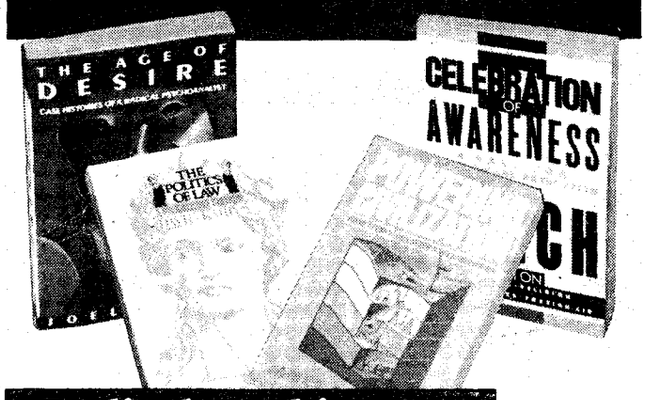
Radical thinkers...



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society"—currently being promoted through electronic shopping and banking—is a key to Toffler's "third wave."

Yet with their exclusive focus on technology, these futurologists have ignored crucial considerations of class and gender. Nussbaum of 9 to 5 points out that the "home-centered society" would affect people differently, depending on their income levels. The upbeat view of it, she says, "is a projection of the ideals of the upper-middle class. It has a completely different effect for the working class. Being at home without money is like living in a prison."

The political problems associated with home work are all the more serious because most of the people who will be engaged in it, especially at the clerical level, are women. The prospect of being "home-centered" may not be so appealing to a generation of women who have been abandoning the home and entering the labor market in record numbers. Some feminists express concern that the rise of electronic home work will push employed women into dead-end jobs and make it more difficult for them to escape the housewife role. The simple fact that workers are isolated from one another can make home work a form of disempowerment, depriving women of the measure of social status that working with others provides.

Such fears are indirectly confirmed by the eagerness with which the New Right has embraced the concept of home work, which they believe would strengthen the nuclear family. Conservative Republican Newt Gingrich of Georgia has introduced what he calls the Family Opportunity Act, which would give tax credits to families that purchase home computers for business or educational purposes. Last year in a press release, Gingrich said the legislation would "strengthen neighborhoods and allow working mothers with preschool children to earn a living while staying at home." At a forum on the family co-sponsored by the Moral Majority last summer, home work was praised as a way for women to earn some money without neglecting their families.

If the future is not as bright as the futurologists paint it, neither is it entirely black. For one thing, some business executives have mixed feelings about the arrangement. Many managers are uneasy about losing the ability to oversee directly the work of their underlings. Even with the strictest controls, they assume that anyone working at home is goofing off. Moreover, some analysts argue that separation from the supposedly stimulating office environment tends to lower productivity. And many managers surely sense that employees will resist being sent home to work.

Still, even if the electronic home work force does not reach the 5 million to 10 million level that some corporate think tanks are predicting for the 1990s, those workers, particularly women, who are compelled or pressured to accept it will face new problems. The labor and women's movements also face a difficult choice: Should they seek a ban on home work or try to organize home workers? Both groups are only beginning to address the problem, yet business is far along in its experiment. The challenge for activists is to catch up with the transformation of work that is taking place, especially now that the changes are hitting home. □

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STRONG FISCAL MEDICINE

Brazil Takes the I.M.F. Cure

CARL PETERSON

Rio de Janeiro

Like fairy godmothers, negotiators from the International Monetary Fund arrived in Brazil last December bearing gold—$508 million in credits needed to keep the leaky economy afloat—and the prospect of more (a total commitment of $5.9 billion was approved in February). Also like fairy godmothers, they made their gift conditional—and more than a midnight curfew was involved. They required the government of Gen. João Figueiredo to impose the usual painful austerity measures. Once the government showed a good-faith effort to get its fiscal house in order, further largesse from private banks would be forthcoming.

But after three months on the I.M.F. regimen, the patient is sicker than ever. Confusion reigns within the regime, and the fund's strictures have provoked opposition from nearly every economic group in the country.

The government began by boldly attacking the living standards of the vast majority of Brazilians through stringent wage cuts, which they could ill afford. Real wages have declined catastrophically since the 1964 U.S.-backed military coup, which overthrew the reformist government of João Goulart and installed the present regime. This trend was partially checked in 1979 when the government, faced with increasing labor unrest, granted semiannual cost-of-living increases to keep pace with rising inflation, now running at 100 percent. Those in the lowest brackets received a flat 10 percent pay hike. But in January, after denying repeatedly that it would change the salary law, the government abolished the 10 percent increment and announced it planned to reduce cost-of-living adjustments across the board. Instead, wages are to be set by "free negotiations" between employers and workers, who are forbidden by law to strike for higher wages.

The next blow struck in mid-February, when the cruzeiro was suddenly devalued by 23 percent in an attempt to reduce the country's balance-of-payments deficit. That action immediately loosed a new surge of inflation. Particularly onerous was the rise in gasoline prices, which increased the already high transportation costs of the many workers who commute from slums on the urban peripheries to jobs in the downtown areas. To aggravate the problem further, the effects of the devaluation will be purged from the government's cost-of-living indicators, to which wage increases are still pegged.

How the government proposes to deal with the inflation caused by the devaluation is still unclear. The agreement with the I.M.F. included a pledge to bring the 1983 inflation rate down to 80 percent, a feat most economists and businessmen here thought impossible even before the devaluation. So far, the government's most conspicuous act has been to pressure its bureau of statistics to distort the figures.

In the realm of financial policy, the situation is no clearer. The expected loans from international banks, a sine qua non of the I.M.F. plan, have not been forthcoming. The regime has resorted to asking Western governments for direct loans to meet this year's debt payments. Brazil's central bank has been unable to make the payments on its loans from U.S. banks several times in the last few months, and has been saved only by the intervention of the Federal Reserve Bank of New York.

The current crisis also provides an opportunity for a stepped up "denationalization" of the economy. The devaluation makes Brazilian properties a good buy for foreign investors who can pay in dollars. Meanwhile, international banks may refuse to make new loans in an attempt to win further concessions from the regime. Chief among these is permission to open new branches in Brazil. The big banks hope to gain a larger slice of the country's still profitable banking sector, and in a showdown with domestic banks they would have the edge. But concessions to foreign capital are likely to erode support for the regime in the country's business community, many of whose members are already upset because devaluation has increased their foreign debt.

Farmers are also mad. Cuts in farm subsidies prescribed by the I.M.F. brought sharp protests from members of the government-sponsored Social Democratic Party (P.D.S.) who represent large landholders. The P.D.S. itself, until now a parliamentary rubber stamp, is showing increasing dissatisfaction with the regime's secretiveness and refusal to consult its political allies. The opposition has called for a parliamentary investigation of the foreign debt and the I.M.F. deal, and it may find many sympathetic ears within the ranks of the P.D.S.

Defections from the regime and the prospect of labor unrest as a result of the I.M.F.-led assault on the working class may add up to serious political trouble for the government of President Figueiredo and its four-year-old *abertura* (opening) policy. One of the chief aims of that policy was to reintegrate civilians into at least some phases of policy making, thus shifting popular blame for the economic crisis, and the government's mismanagement of it, away from the military. Despite a considerable liberalization and the largely free elections of last November, the Figueiredo regime remains as secretive and centralized as ever.

The growing dissatisfaction in disparate sectors of society is unlikely, however, to lead to the formation of a unified opposition, despite the call by the influential Communist Party and other groups on the left for workers to unite with businessmen in a broad "anti-imperialist front." What it certainly does provide is one more challenge to a regime that is already showing signs of panic. The failure of the *abertura* to absolve the military of its technocrats' incompetence

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may embolden hard-line groups within the regime who opposed liberalization in the first place. At present, such groups are held in check by President Figueiredo's personal prestige and his close identification with the policy, but they will attempt to influence the selection of Figueiredo's successor early in 1985. The presidential succession battle taking place in the back corridors and in the barracks should make this year an eventful one, and add to the instability of an already shaky regime. □

THE E.P.A. WAS NOT ALONE

Two, Three, Many Rita Lavelles

ROBERT NELSON

Although "Superfund" administrator Rita Lavelle became the eye of the hurricane that struck the Environmental Protection Agency when reports of her lunches and private meetings with corporate representatives made the front pages, the fact is that such easy fraternization is commonplace in the Reagan Administration. Ex parte meetings—that is, meetings not recorded in agency logs and to which consumers and other interested parties are not invited—have become standard operating procedure with Reagan's regulators.

The practice did not originate with the present Administration. Five years ago, in the "Iannone memorandum," American Petroleum Institute lobbyist John Iannone disclosed that his close ties to Carter's Department of Energy had enabled him to obtain and comment on drafts of twenty-three proposed rules and studies before they were made available to the public. Business groups enjoyed such entree during other Administrations as well.

But in their zeal to deregulate, whatever the cost to the public, the Reagan people have encouraged private corporate access to regulators on an unprecedented scale. Such coziness often violates the letter or spirit of the Administrative Procedures Act, whose overriding purpose is to insure on-the-record debate, subject to public scrutiny. A prominent example of how secret meetings have corrupted the regulatory process during this Administration is the incident involving former E.P.A. Administrator Anne Burford and the Thriftway Company, a small New Mexico refinery. In December 1981, Burford told an executive at Thriftway that her agency would not prosecute if the company ignored Federal regulations governing lead in gasoline. Other examples, less well known, involved the E.P.A. and other agencies as well:

Robert Nelson is the research associate of the Democracy Project's recently inaugurated Regulatory Audit Project. This article is adapted from his longer forthcoming study, "A World of Preference: Business Access to Decision-makers."

§ The Premanufacture Notification Program of the Toxic Substances Control Act of 1976 was created to insure that the health and environmental effects of a substance are determined before commercial production. Yet since 1979 chemical companies have submitted toxicity data on only half of their new products, and in 1981 they petitioned the E.P.A. to exempt up to 80 percent of their new chemicals from the notification requirement. As Jacqueline Warren, an attorney for the Natural Resources Defense Council, testified to the House Subcommittee on Environment, Energy and Natural Resources in October 1981: "E.P.A./Chemical Manufacturing Association workgroups [were] set up to develop such a rule. . . . Other interested members of the public [were] not included in the workgroups, whose deliberations [were] entirely secret." Under a proposed E.P.A. rule, roughly half of the nearly 1,000 chemicals produced each year would be exempt from premanufacture notices.

§ At the request of the chemical industry, E.P.A. staff members and industry representatives met secretly during the summer of 1981 to discuss the status of two widely used chemicals, DEHP (a resin used in plastics) and formaldehyde. Government studies had led the E.P.A. to suspect that both chemicals cause cancer. Six meetings took place, but none of them were entered in E.P.A. logs. All but five of the ninety-two persons who attended those meetings were from the regulated industry or the agency. No representatives from public interest groups were invited; nor were the scientists present whose papers were being critiqued. The day after the last meeting, then deputy administrator, now Acting Administrator John W. Hernandez Jr. advised the environment subcommittee staff members that the agency would not take action to prevent human exposure to the chemicals. Indeed, Hernandez told the staff members that he forgathers regularly with industry representatives—that "not a day goes by" without such meetings. When told of the private meetings on the two chemicals, former Representative Toby Moffett commented, "The question raised . . . is how—in this democracy—a government agency can justify establishing a [science] court which hears only one side of the dispute."

§ Former E.P.A. scientist Richard Dailey, who headed the agency's Formaldehyde Project, told a Congressional hearing that in January 1982, E.P.A. pesticides chief John Todhunter penciled scientifically questionable facts in drafts of technical papers on formaldehyde, which made it appear that formaldehyde posed little risk to consumers. Dailey resigned from the agency in disgust after he was instructed to incorporate Todhunter's changes in the final version of the paper. Todhunter's calendar shows that during the time he suggested the changes, he met privately on two occasions with John Byington, the lobbyist for the Formaldehyde Institute.

§ Acting Administrator Hernandez also allowed Dow Chemical Company to review and make changes in a 1981 E.P.A. draft report that blamed Dow for dioxin contamination of two Michigan rivers. A final draft of the report stated that Dow's Midland, Michigan, facilities represented "the major source, if not the only source" of dioxin con-

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tamination found in the Tittabawassee and Saginaw Rivers. This conclusion was deleted from the official report. Three weeks ago, Hernandez admitted that "upon reflection, I believe that it might have been better to have circulated the draft report for comment more widely."

§ On February 25, 1982, the E.P.A. suspended its ban on the disposal of hazardous liquid wastes in landfills, without holding public hearings or providing an opportunity for public comment. In its announcement of this suspension, the agency revealed that during the eighteen-month period between the promulgation of the ban and its February suspension, the "regulated community [has] brought to the Agency's attention several difficulties they are having or would have in complying with these requirements"—all in private meetings, of course. During this time, James Sanderson, a lawyer for Chemical Waste Management, one of the affected companies, was serving as a consultant to Administrator Burford and participated in E.P.A. meetings on suspending the ban. As soon as it was lifted, Chemical Waste dumped 1,500 barrels of flammable hazardous liquid wastes in a Denver landfill.

§ According to *Washington Post* reporters Howard Kurtz and Mary Thornton, the vice president of Waste Management Inc., the nation's largest hazardous waste-disposal firm and the parent company of Chemical Waste, acknowledged that he personally wrote "some sections" of the E.P.A.'s revised regulation, proposed after the suspension of the dumping ban. This new proposal would permit dumping liquid wastes in drums so long as the liquids occupy no more than 25 percent of the volume of the landfill.

§ Between May 1981 and February 1982, E.P.A. officials held more than thirty private meetings with oil and lead industry representatives before proposing, in February 1982, to relax rules limiting the amount of lead in gasoline. No public health officials or others opposed to weakening those rules were consulted before the proposals were announced.

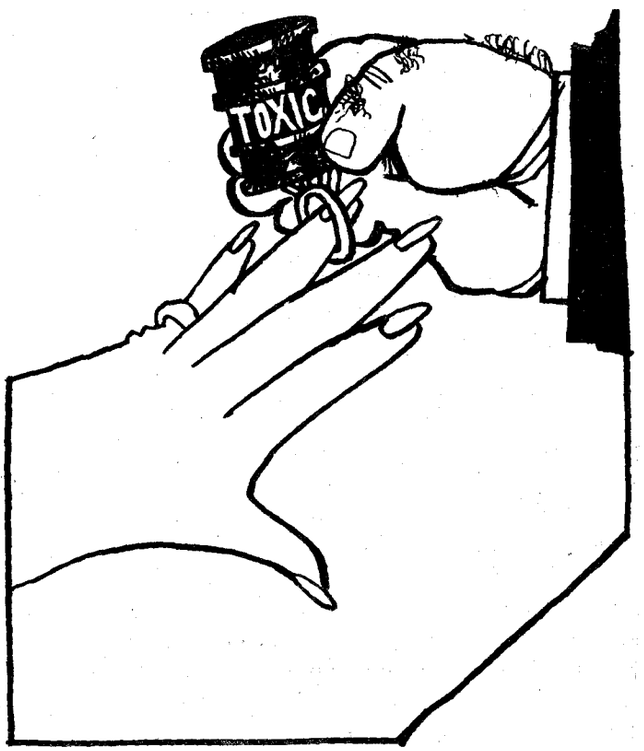
§ At the Occupational Safety and Health Administration (OSHA), Mark Cowan, special assistant for regulatory affairs, met privately with two lawyers from the Formaldehyde Institute. On the basis of that meeting, he concluded that the findings of a team of government scientists, which showed that formaldehyde causes cancer in animals at levels to which an estimated 750,000 American workers are exposed on the job, should be discounted. OSHA Administrator Thorne Auchter acted on Cowan's recommendation and decided not to issue rules curbing the use of formaldehyde in industrial plants—even though the only two OSHA scientists he had consulted on the subject supported the data.

§ Changes in OSHA's lead-exposure standard also resulted from private meetings with industry. For example, 3M Corporation, which manufactured a disposable respirator that did not meet OSHA requirements, filed suit against the agency because it found the regulations too stringent. OSHA officials then met privately with 3M and agreed to lower the standard. No other interested parties were consulted. Before the proposed changes were published in the *Federal Register*, a telegram from 3M's attorney to his client stated, "It may be well to inform [3M] customers and distributors that the [OSHA] requirement will soon be relaxed." It was.

§ Under Executive Order 12291, the Office of Management and Budget has oversight responsibility for proposed executive agency rules. As a result, the office has become an advocate for regulated interests who can't get satisfaction elsewhere. For example, C. Boyden Gray of the President's Task Force on Regulatory Relief, which works hand in glove with the O.M.B. on regulatory affairs, told the U.S. Chamber of Commerce in 1981:

> If you go to the agency first, don't be too pessimistic if they can't solve the problem there. If they don't that's what the task force is for. Two weeks [ago a group] showed up and I asked if they had a problem. They said they did, and we made a couple of phone calls and straightened it out.

Changes in OSHA's commercial diving standards are an example of the O.M.B.'s behind-the-scenes influence. After Gray met privately with representatives of the commercial diving industry in April 1981, he passed along their views on the standards to James Miller 3d, who was executive director of the President's task force and administrator for information and regulatory affairs at the O.M.B. Miller and Gray then added the OSHA standards to the Administration's "hit list" of undesirable regulations. Soon thereafter, when OSHA published a list of proposed rule changes in the *Federal Register*, all of the industry's requests were included. Said Representative Cardiss Collins, "On the one hand, we have an extensive public rule-making with witnesses, documents, exhibits, public notice to all parties. . . . On the other hand we have a private meeting between representatives of the regulated industry and an official of the task force."



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This Administration's backdoor and closed-door approaches to regulatory decision making undermine effective judicial review of agency rules since no record is made. They also erode the adversarial nature of the decision making by shutting out the public's point of view. Indeed, the right to comment given to all citizens is meaningless when key issues are essentially resolved in private.

Certainly, regulated businesses should be able to communicate directly with government agencies that deal with environmental, health and safety matters. But so should the other interested and affected constituencies who are now ignored by Reagan's regulators. Three reforms could help open up the process. First, a requirement that all ex parte contacts be logged and the discussions made public would make judicial review of agency rules more effective and would enable citizens to comment on them at public hearings. The Consumer Product Safety Commission now has rules requiring such logging. The Civil Aeronautics Board goes further and bans all ex parte communications between board members and interested people outside the board until after the final disposition of the relevant public proceeding. If these agencies can do it so can other regulators, without it being unduly "bothersome," as O.M.B.'s Christopher DeMuth told Mark Green, president of the Democracy Project.

Second, unlike Burford, who rarely listened to the views of environmentalists, agency officials should make a good-faith effort to meet with public interest advocates. And third, the Moynihan-Scheuer bill to make the E.P.A. an independent agency would go a long way toward restoring its credibility. According to David Pittle, a former commissioner of the Consumer Product Safety Commission, which is independent and was the only regulatory body that banned the use of formaldehyde in insulating materials, "OSHA and E.P.A. couldn't take strong action on formaldehyde because they couldn't go against the Administration. We could regulate formaldehyde on the scientific evidence. Reagan couldn't say, 'Pittle, you're out.' "

Indeed, after enduring the Lavelle scandal and the Times Beach, Missouri, horror in short order, the Administration would do well to abandon the secret meetings that now characterize its safety and environmental rule making. Doing so would help reassure a suspicious public and begin to demonstrate that it is not soft on regulatory crime. Otherwise, the actions of Reagan's regulators will continue to remind us of J.P. Morgan's remark to President Theodore Roosevelt, when Roosevelt's attorney general threatened an antitrust suit: "If we have done anything wrong," said Morgan, "send your man to my man and they can fix it up." □

Washington's Papers

(*Continued From Front Page*)

whether from motives of greed or ideology—the ability of journalists and scholars to catch up with the truth is seriously compromised.

Despite the vital importance of Presidential records to the American people, *Folsom v. Marsh* became the fount of what Attorney General Saxbe, in his memorandum to President Ford, called "the almost unvaried understanding of all three branches of the Government since the beginning of the Republic" that Presidents (prior to Ronald Reagan, to whom the 1978 act applies) own their papers and the information they acquire in office.

Like all received wisdom, however, the still troublesome *Folsom* opinion originated with fallible men. To understand how fallible they were, and, not incidentally, to understand the actual circumstances that produced the ruling, requires a historical excursion. To start at the beginning we must travel back to the year 1782.

While serving as chaplain of the Continental Congress during the early 1780s, the Rev. William Gordon, an energetic New England clergyman, undertook the preparation of an ambitious history of the American Revolution based upon contemporary official records. In the course of his diligent research he tracked down widely scattered documents and engaged in extensive correspondence with leaders of the emerging nation.

In the fall of 1782 Gordon sent George Washington, then Commander in Chief of the Continental Army, a letter requesting access to Revolutionary War records that were then in the general's possession. In a response dated October 23, 1782, Washington wrote:

> It appears to me impracticable for the best Historiographer living, to write a full and correct history of the present revolution who has not free access to the Archives of Congress, those of Individual States, the Papers of the Commander-in-Chief, and Commanding Officers of separate departments. Mine, while the War continues, I consider as *a species of Public property*, sacred in my hands; and of little Service to any Historian who has not that general information which is only to be derived with exactitude from the sources I have mentioned. When Congress then shall open their registers, and say it is proper for the Servants of the public to do so, it will give me much pleasure to afford all the Aid to your labors and laudable undertaking which my Papers can give; 'till one of those periods arrive I do not think myself justified in suffering an inspection of, and any extracts to be taken from my Records. (Emphasis added.)

In short, Washington recognized that records generated by public servants while performing their official duties were public, not private, property.

Washington's response was both realistic and reasonable. Although a year had passed since Lord Cornwallis's surrender at Yorktown, the final terms of the peace settlement were still being negotiated and military files clearly had to remain secret. Moreover, as Washington emphasized in his 1782 letter, it was up to Congress to decide when "the Servants of the public" could permit access to official records.

Seventeen days after Washington wrote to Gordon, he ordered his military aides to pack up in "six strong hair

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trunks well clasped" and ship off to his Mount Vernon home the documents he described as "a species of Public property." Presumably he did this to assure protection of the papers until Congress established a depository for them.

When Washington's Presidency came to an end, he arranged for most of the documents of his Administration to be removed to Mount Vernon. Under the terms of his will, all of his papers, personal and official, were bequeathed to his nephew Bushrod Washington, a Supreme Court Justice whom he had designated as executor of his estate.

Although Justice Washington was exceedingly conscientious in administering the Mount Vernon properties, he neglected to inquire about his illustrious uncle's documents until almost a year after the President's death, in 1799. When, finally, he turned his attention to them, he treated them so casually that a curious neighbor was permitted to borrow more than a thousand items, many of which went astray or fell into the hands of autograph collectors.

By all indications, Justice Washington attached no great importance to the President's papers until he sensed how they could be exploited for political and personal gain after the failure of Federalist John Adams to win re-election as President in 1800. Both Justice Washington and Chief Justice John Marshall were staunch Federalists who owed their Court appointments to Adams, and the election of Republican-Democrat Thomas Jefferson seemed a mortal blow to Federalism—as indeed it turned out to be.

Following Adams's defeat, Justices Washington and Marshall joined hands in an enterprise designed to bolster Federalism, although this was hardly consonant with judicial neutrality. They agreed that a biography of President Washington stressing his Federalist ties would be beneficial to their cause.

Justice Washington experienced little difficulty persuading the Chief Justice to undertake the biography. In Marshall's eyes the President was truly "the Father of his Country" in the most profound sense. Besides, it was largely due to the President's patronage that Marshall had risen to national prominence. Also, Marshall needed money. His Court salary—$5,000 a year—and meager income from some rented lands were barely sufficient to meet the living expenses of his growing family. Moreover, he was deeply in debt. He and his brother owed $31,500 on a recently acquired Virginia estate and both jointly and individually they had other heavy obligations.

The Chief Justice felt that writing a biography of George Washington was a formidable task, but if he entertained any misgivings in this regard he resolved them when Justice Washington offered him exclusive access to the voluminous records the President had stored at Mount Vernon. This was a distinctly attractive inducement, affording Marshall a rich source of inside information that would facilitate his work and enhance the book's salability.

The arrangement Justices Marshall and Washington entered into was somewhat unusual in that the profits were to be shared, although Marshall was obliged to do all the research and writing. Evidently Justice Washington felt he was entitled to half the earnings because of his willingness to grant Marshall the use of the documents George Washington had described as "a species of Public property."

Both Justices anticipated handsome profits from their venture, and in their dealings with prospective publishers they were hardheaded businessmen. During negotiations with Philadelphia publisher Caleb Wayne they initially asked for an advance of $150,000 against royalties based on their confidence that a biography of four to five volumes would be purchased by at least 30,000 subscribers in the United States alone. But when Wayne balked and expressed misgivings about the project, the Justices offered to accept $100,000 for the copyright, insisting that "less than this sum we will not take." After protracted bargaining, however, the Justices entered into an arrangement under which they apparently became entitled to a royalty of $70,000, payable in installments, in return for granting Wayne the U.S. copyright and exclusive rights "in any part of North and South America and in the West India Islands."

So great was Justice Marshall's need for money and so

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small his pride of authorship that he permitted his publisher to make the deletions he desired and gave Justice Washington a free hand to "censure and alter" the entire manuscript. Sensing that it was unseemly for a Chief Justice to be party to an undertaking conceived for partisan purposes, he also demanded that his authorship be kept anonymous and dispatched his son to Wayne to make sure of this. But Marshall could ill afford obduracy, and Wayne's purse-string power prevailed. The Chief Justice's name appeared inconspicuously at the bottom of the first page, without his Supreme Court title.

When Marshall's biography finally appeared, the Federalist press lavished praise on it while opposition newspapers heaped scorn on the Chief Justice for abetting the Federalist cause. Despite publisher Wayne's energetic promotional efforts, which stressed the Chief Justice's exclusive access to Washington's papers, sales of the biography failed to meet sanguine expectations, leaving Wayne somewhat disappointed about the venture.

Some years later, Justices Washington and Marshall encountered another opportunity to exploit President Washington's papers—thanks largely to Justice Joseph Story's support of an ambitious plan by Jared Sparks to publish a compilation of the papers in twelve volumes. Story and Sparks first came to know each other during the early 1820s when Sparks served as chaplain of the House of Representatives. Their mutual interest in Unitarianism and political affairs led to a cordial relationship that blossomed into friendship when Sparks became the editor of the influential *North American Review*, a journal that occasionally published anonymous articles by judges on controversial public questions. Sparks and Story had much in common, but nothing bound them more closely together than their shared interest in what became known as *The Life and Writings of George Washington: Being His Correspondence, Addresses, Messages and Other Papers.*

The idea for this publishing venture originated with Charles Folsom, a Harvard librarian who moonlighted as a printer-publisher. Aware that Sparks, an old friend, had useful contacts in the capital, Folsom wrote to him on March 25, 1824: " I wish to publish a handsome and correct edition of [President] Washington's writings complete. To this end I should wish to communicate with those persons who would aid me in the best manner. Who are they in the South?"

Sparks sounded out Justice Washington about the matter but the latter's initial reactions were negative because, as it later turned out, he was averse to letting strangers profit from the papers of his distinguished uncle. If Folsom was discouraged by Justice Washington's put-off, Sparks was not. He decided that the idea of publishing Washington's papers was much too good to be dropped—so good, indeed, that he represented it as his own when he discussed it with Justice Story two years later. Story was quite enthusiastic about the project. He offered to assist in its implementation and even encouraged Sparks to invoke his name in whatever way might be helpful to the venture.

Sparks took prompt advantage of Story's support. In a letter of January 16, 1826, to Justice Washington about his plan, he wrote: "For further information as to my purposes and qualifications [as editor-publisher of the President's papers], permit me . . . to refer you to Judge Story, with whom I have conversed on this subject, and who manifests a lively interest in the plan of collecting into one body all the writings of General Washington." Sparks also intimated that he was on friendly terms with Chief Justice Marshall, with Henry Wheaton, a highly regarded confidant of the Justices, and with influential members of Congress.

Justice Washington, however, remained cool toward the idea—partially because Sparks regarded the papers as public property, insinuating that the Justice had no lawful right to treat them as his personal property. "My zeal was a little dampened," Sparks confided to Justice Story in a petulant letter, dated March 4, 1826, about Justice Washington's apathy toward publication of his famed uncle's papers. Nevertheless, Sparks remained determined to go forward with his project. In the same letter he informed Justice Story that "all the important materials may be obtained from other quarters, though with great trouble. *Washington's public letters and papers are the property of the nation.* As such they ought to be before the nation and he who brings them out does a public service." (Emphasis added.)

Sparks, an indefatigable researcher, pursued the alternative course he had outlined in his letter. He plunged headlong into an intensive search of official files for copies of Washington's documents. Relying primarily on these sources, he succeeded in unearthing a large number of papers. By the fall of 1826 he had assembled a massive collection of copies of Washington's documents.

Now able to negotiate with greater confidence, Sparks presented Justice Washington with what practically amounted to a *fait accompli*. On September 12, he wrote the Justice that he was going full speed ahead with the publication of the papers he had found in official sources but was willing to "agree . . . to divide with you equally the property of the copyright and the profits of sale" if the Justice granted him "access to all the papers [of President Washington] in your possession" and allowed him to include in his volumes those papers they jointly "deem suited for publication." In effect, Sparks pushed Justice Washington into a corner where his alternatives were to accept Sparks's offer or lose out on what promised to be a profitable publishing venture.

Sparks's take-it-or-leave-it stance was effective, eliciting from Justice Washington a prompt "apology for my silence" and a promise to discuss Sparks's proposal with Chief Justice Marshall. But Sparks was impatient. In an effort to exert pressure on Marshall, whom he had met socially through Story, he sent off to the Chief Justice a copy of his September 12 letter and urged Marshall to intercede in his behalf.

"I need not repeat to you," Sparks wrote Marshall, "how important it will be to the entire success of the undertaking, for me to have the use of the papers in Judge Washington's possession. . . . As I know Judge Washington has entire

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confidence in your judgment, I cannot but hope that you will see the thing in the same light as myself, and will encourage him to accept the proposal which I have made. This offer is in itself a highly liberal one . . . considering the vast pains I have taken in collecting materials from other quarters."

Neither then nor at any other point is there an indication in the correspondence between Sparks and Marshall or between Sparks and Story that any of the Justices felt inhibited about pressuring Justice Washington into becoming party to a business deal involving what George Washington considered public property. At no point, in fact, did any of the Justices seem concerned about becoming involved in a situation incompatible with the Court's impartiality. Indeed, judging by their correspondence, the Justices and Sparks dealt with one another as though they were engaged in a routine commercial transaction.

On January 1, 1827, Sparks again wrote to Justice Washington, calling his attention to a letter from the Chief Justice which "expressed a full approbation of my plan and said he has communicated his opinion to you." Marshall's intercession in Sparks's behalf was apparently decisive. On the following day, Justice Washington advised Sparks that he had heard from the Chief Justice about the matter and that "we accept" the "proposition contained in your last letter."

The "we" in Justice Washington's acceptance is intriguing. Sparks's September 12 proposal called for splitting the profits solely between himself and Justice Washington. When arrangements were finalized, however, Chief Justice Marshall was assigned a one-third share. Why he was cut into the profits in this manner is puzzling since he did not have any equity or, for that matter, obligation in the transaction which entitled him to any compensation.

Once the contract was signed, Justices Washington and Marshall were content to leave the venture entirely in Sparks's hands, but Justice Story's personal involvement deepened. He corresponded frequently with Sparks, not only about editorial matters but also about the profits to be derived from the President's papers. "I think the publication will have a great sale and will secure a most extensive patronage," Justice Story wrote to Sparks on June 1, 1827. "What do you mean to do as to England? You ought, if possible, to secure some of the profits of an edition there. On this subject we must talk. . . . I rejoice exceedingly in your success in this enterprise. . . . May God bless and prosper you in the sequel is the sincere wish of your respectful and affectionate friend."

Not content with merely encouraging Sparks, Justice Story also lent his name and the prestige of his office to sales promotion of Sparks's venture. He regarded with "unmixed satisfaction," for example, the adroit press agentry engineered by Sparks that exploited several letters from Sparks to Story in order to encourage advance sales of the twelve-volume compilation of President Washington's papers. A public unaware of Justice Story's behind-the-scenes backing of the project was duly impressed when the letters appeared in the nation's leading newspapers in the summer of 1827.

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One of the letters, datelined Mount Vernon and headlined "Jared Sparks to Judge Story," opened with these words:

> Since I have been at this place, engaged in examining General Washington's papers, I have thought it advisable to defer replying to your kind inquiries, respecting the progress and probable results of my investigations, till I should be able to speak with some degree of certainty and confidence. After two months of assiduous application to the task, I am now prepared to state such particulars as will give you an outline . . . both in regard to the extent and character of the papers, and to my own plan for bringing them before the public. You are already apprised of my arrangement with Judge Washington, by which I am to have access to all the papers in the archives at Mount Vernon that belonged to General Washington, and to select and prepare for the press such parts as shall be best suited for that purpose. With this view, I have been employed in a general survey of the materials and in arranging them for future examination and use.

Story's intimate association with the publication and sale of Washington's papers did not diminish during the years that followed. Indeed, it reached an extraordinary climax when, sitting in circuit, he handed down his ruling on *Folsom v. Marsh*. This case involved a dispute over the copyright of the documents whose publication Story himself had greatly facilitated. Blandly disregarding his personal role in the publication of the papers, Story held in his decision that they were copyrightable private property.

The case arose out of a dispute between Charles Folsom, printer-publisher of the Sparks volumes, and Bela Marsh, publisher of a biography of the President by the Rev. Charles Upham, which contained excerpts from the papers. Folsom, representing Sparks and the interests of Justices Washington and Marshall, claimed that their copyright ownership of practically all of the then-known writings by President Washington had been infringed by Upham's book. Marsh, unaware of Story's conflicts of interest in the case, contended in rebuttal that the President's papers were not copyrightable because they were public property—the very position Sparks had taken in his 1826 letter to Justice Story describing Washington's papers as "the property of the nation."

Justice Story, one of the early giants of the Supreme Court, ruled against Marsh on the grounds that "President Washington deemed . . . [the papers] his own private property"—a surprising departure from Story's customary dedication to government by law rather than by individual caprice. Throughout his many years on the bench, the Constitution was for him a stern measuring rod, but in *Folsom v. Marsh* a puzzling lapse occurred. Nowhere in his decision on this important case did he take into consideration the Constitution's provisions regarding copyright, government property and Presidential emoluments, although each had a direct bearing on the key issues of the case.

Justice Story's opinion contained no allusion to Article I, Section 8, of the Constitution, which grants Congress "power . . . to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." In view of this prescriptive language, officially generated documents could hardly be considered constitutionally copyrightable as private property.

Moreover, Justice Story ignored Article IV, Section 3, of the Constitution, which leaves it up to Congress to "make all needful Rules and Regulations Respecting . . . Property belonging to the United States." It apparently made no difference to him that Congress had not sanctioned personal ownership of official documents by Presidents.

Implicit in Story's decision was a holding that a President (or his heirs) was fully entitled to extra income derived from the sale of governmental records notwithstanding the stipulation in Article II, Section 1, of the Constitution, that a President "shall not receive [apart from his salary] any other emolument from the United States."

Ignoring the Constitution, Justice Story turned to British law to justify his conclusion that President Washington's documents were private property. Such papers, Story ruled, were personal literary property similar to letters written by distinguished British authors. After all, he declared, "It is highly probable that neither Lord Chesterfield, nor Lord Orford, nor the poet Gray, nor Cowper, nor Lady Russell, nor Lady Montague, ever intended their letters" to be published without their consent. Ergo, copyright control was presumably in the back of President Washington's mind whenever he or his aides put pen to paper while performing their duties.

When Justice Story handed down his decision it attracted negligible attention outside of legal circles. In later years, however, it became the rationale for destruction, concealment, sale and copyrighted publication of publicly funded papers. In 1974, Justice Story's decision was cited as controlling precedent in the Justice Department opinion on the legality of the agreement between the General Services Administration and President Nixon, which affirmed his ownership of 42 million pages of documents generated during his ill-starred Administration. The Story decision was also cited as a legal centerpiece in a brief Nixon's lawyers submitted to the Supreme Court in his effort to block government retention of his files and 888 White House tapes.

And so Story's 1841 decision has led a charmed life. It cropped up most recently in the copyright infringement suit brought by Harper & Row and Reader's Digest against *The Nation*, which arose out of a story the latter published on Gerald Ford's memoirs.* And despite the Presidential Records Act of 1978, the *Folsom* case stands available to future ex-Presidents as a weapon against scholarly and journalistic intrusions on their "personal" historical preserve.

Deformed at birth, *Folsom v. Marsh* should be put to sleep permanently. For guidance in the Byzantine matter of officially acquired knowledge, courts and lawmakers should remember the words of George Washington, who declared that informational matter generated in the conduct of the people's business are "Public property." □

*As *The New York Times* put it, Judge Richard Owen "cited only one case, 142 years old, in the text of his decision" upholding the publishers.

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BOOKS & THE ARTS.

'By Hammer and Hand'

MICHAEL KAZIN

WORKINGMEN'S DEMOCRACY: The Knights of Labor and American Politics. *By Leon Fink. University of Illinois Press. 280 pp. $19.95.*

WORKING-CLASS AMERICA: Essays on Labor, Community, and American Society. *Edited by Michael H. Frisch and Daniel J. Walkowitz. University of Illinois Press. 336 pp. $29.50. Paper $8.95.*

Organized labor may be ensnared in its worst crisis since the Hoover Administration, but the study of labor history is booming. In the two decades since E.P. Thompson's *The Making of the English Working Class* and David Brody's *Steelworkers in America*, a field once mainly populated by in-house union chroniclers, orthodox economists and Philip Foner (a library unto himself) has come to enjoy established status in the historical profession. Today a small legion of scholars is widening the traditional focus on trade unions, national leaders and wage scales into a three-dimensional image of the richly textured worlds a majority of Americans have inhabited.

These two books represent the pick of a growing crop. The authors are academics in their 30s, men and women who passed through the New Left and remain inspired by its belief in the capacity of ordinary people to overrule the directors of corporations and the state. While skilled in gathering the details of social history, these historians are more intrigued by the *political* meaning of workers' experiences—on the job, at the polls, in neighborhoods and at home. In this new version of the American past, both organized and unorganized labor play a major, though seldom decisive, role in creating a national ideology, forging electoral coalitions and influencing legislation. Economists' mythical worker, who lived only to earn and consume, has been buried alongside his old-left cousin, the diabolic "misleader of labor."

Leon Fink's lively study captures the significance of what he calls "the first mass organization of the American working class"—the Knights of Labor, who thrived during the industrializing fever of the 1880s. Earlier historians, enamored of Samuel Gompers's more stable American Federation of Labor, dismissed the Noble and Holy Order as a bunch of quaint utopians whose meddling in temperance and worker cooperatives prevented them from building a permanent constituency. Fink, however, argues effectively that the Knights had no desire to "move backward toward some pre-industrial arcadia," but sought an equal share in the abundance technology made possible. Their rhetoric of "the nobility of toil" and their militant challenges to laissez-faire employers attracted workers across walls of craft, ethnicity, race and even sex.

Over the course of the decade, freshly organized "trade assemblies" launched independent tickets and full-fledged labor parties that competed for local power in almost 200 cities and towns from San Diego to Lewiston, Maine. None of these ambitious vehicles lasted out the century, but together they managed to, in Fink's words, "crack open" an electoral system that had never before taken workers' demands seriously.

To understand why an autonomous labor politics sprouted, won majority support and then rapidly withered, Fink looks at several widely separated locales. In the marble-quarrying village of Rutland, Vermont, he finds Irish Catholic craftsmen and laborers winning control of the traditional town meeting, only to have the state legislature (at the behest of the Rutland elite) strip their taxing power and the Democrats steal their programmatic thunder. In Kansas City, Kansas, he discovers black, Irish and German Knights backing an insurgent mayor who boosted city workers' wages and fought utility barons until intertrade squabbles and a management offensive splintered labor's partisans along ethnic lines. In the tobacco capital of Richmond, Fink traces the dissolution of a remarkable yet tenuous alliance between black and white factory hands—less than twenty years after Lee's surrender. When a white leader dared eat in public with a black campaign worker, he sundered the shaky coalition. Social fraternity was still beyond the pale.

Fink clarifies the complex interplay of sociological factors, but he also tells a good story. His narrative of strike violence in Milwaukee begins with an image of workers who "marched out of the Polish district making a 'brr' sound with swinging clubs." Using details culled from obscure local historians, he evokes the nabobs of small-town New England, the raw entrepreneurs of the urban Southwest and the insecure citizens of the "New South," perpetually skirting racial taboos. Unsung working-class politicians of the 1880s assume a certain grandeur as they wrestle with both unfamiliar renown and the designs of their old-guard adversaries. Standard histories of the Gilded Age are arid by comparison.

Despite his sympathies, Fink takes care to explain that the Knights were as responsible for killing the seeds of independent politics as were their opponents. Single victorious campaigns, no matter how inspiring, could not knit the fragile bonds between people who had bitterly mistrusted one another just months before. The heyday of "workingmen's democracy" lasted only as long as young and old, skilled and unskilled, black and white, native and immigrant could submerge their separate loyalties. Democrats and Republicans were able to absorb working-class champions and sanitize their demands because, for most workers, the appeal to "class solidarity" meant little more than a one-time protest against overweening industrialists.

Fink's analysis of the Knights' rise and fall is convincing, but like countless other historians, he claims too much significance for the slice of the past he knows best. He contends that the 1880s were an "internationally critical period in the gestation of working-class movements" in the West. The failure of the Knights to take root in that decade, he argues, doomed American labor to half a century in the political wilderness while the Germans, French and English were constructing mass social-democratic parties.

In size and ideological coherence, European workers' movements certain-

Michael Kazin teaches history at Stanford University and is writing a history of the San Francisco labor movement in the early twentieth century.

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ly surpassed the one in our country, but no single decade was the ultimate turning point in the fortunes of American labor. Actually, the twenty years before World War I held more promise for a sustained working-class radicalism than did the 1880s. Socialists rooted in durable craft unions, in immigrant communities and among intellectuals gained more clout in local politics than had their predecessors in the Knights, who had trouble surviving a second round of elections. On a national scale, no leftist party, before or since, has approached Debs's 6 percent of the 1912 Presidential vote.

The labor left in the Progressive era also had a thoroughgoing and well-publicized agenda for change which included a welfare state and the nationalization of major industries. By contrast, adherents of the Noble and Holy Order, writes Fink, "did not set out to do anything dramatically unconventional with political power . . . workers determined to show not only that they could do what had previously been done for them but also that they could do it better." Admirable, but hardly a method for reaching the cooperative commonwealth. Democratic socialism, then as now, requires a lucid strategy for reform as well as an aversion to the current order.

The ten articles collected in *Working-Class America* sample political culture in an assortment of occupations from Thomas Jefferson's day to World War II. Whether the subject is journeymen in preindustrial Manhattan, saleswomen in early twentieth-century department stores or members of the United Automobile Workers building tanks for Patton, the contributors follow a common proach: Each set of workers is profiled ethnically, ideologically and by skill; the authority of employers and the state is dissected; only then does the action commence—be it street rioting, hoodwinking the boss, changing jobs or organizing a union. This method borrows equally from Marx and modern ethnology, and it enables the writers to reconstruct the social networks that gave birth to public events.

Sean Wilentz vividly describes the huge parades that New York artisans and master craftsmen together mounted from the 1780s to the 1820s. "By Hammer and Hand All Arts Do Stand" was their proud motto. But gradually, an accelerating division of labor and the material hardships that accompanied it undermined the congeniality. In 1830, a crowd of unruly journeymen vented their wrath on a rally held in Washington Square to celebrate the July Revolution in Paris. They cursed a speaker who praised "moderation," rushed the podium and demolished the stage. Wilentz emphasizes that journeymen and their employers still clung to the same moral principles but interpreted them in diverging ways. "Both sides spoke of harmony and virtue," he writes, "but where masters looked forward to the continuation of republican independence and reciprocity, the journeymen saw in the new market and in the reformed workshop the breeding ground of corruption and their own permanent dependence."

Susan Porter Benson reveals that, a century later, the female clerks in downtown retail emporiums had to guard their self-respect more surreptitiously. In each department, from lingerie to toys, workers enforced a sales quota high enough to satisfy management but low enough not to require relentless daylong exertion. Any "grabber" who ignored the pace would find her stock disarranged, have her shins bruised with drawers and, if she persisted, be faced with total ostracism. Work groups also devised a code for routine annoyances. "A clerk who called 'Oh Henrietta,' while waiting on a customer," writes Benson, "was alerting her co-workers to the fact that a customer was a hen, a difficult type."

Sisterly solidarity, ironically, was no boon to unions. Saleswomen were trying to preserve a status higher than that of domestics and factory workers. They protested the use of time clocks and separate employees' entrances, and they demanded the right to wear their own clothes instead of store uniforms. Benson concludes that, even during the 1930s, women who found strength in "informal rules and procedures" made poor recruits for the labor movement. By avoiding the degradation of blue-collar jobs, they also rejected the class-based organizations that sprang from it.

Couched within other essays is the same theme of political ambiguity. For example, Joshua Freeman tells how Irish Republican Army veterans joined with Communists to organize New York's powerful Transport Workers Union. However, he points out that the Irish rank and file supported Mike Quill because he was a countryman of prodigious charisma and not because of his radical leanings. The anthology contains few sagas of heroic strikes or stirring evocations of rebellion. The contributors care too much about workers' actual experience to paint them as embryonic revolutionaries, tearing at their chains.

Yet these committed, superbly researched histories do suffer from a different sort of romanticism. Fink and his fellow scholars fail to consider that most American workers may have been hostile to politics itself. In the archival hunt for the organizers, speakers and writers who built movements, it is easy to neglect the cynical pragmatism that simultaneously limits collective advances and allows the disgruntled majority to explain its plight with a curse and a shrug. Most Americans, as sociologist Richard Flacks has written, are more concerned with "making life" than with "making history," and have generally disdained reforms and reformers that do not benefit them directly. They know too well the gap between the rhetoric of democracy and its performance. Fink himself quotes a teamster named Thomas McGuire whose testimony to a Senate committee in 1883 has lost none of its relevance. "Why do not the horny-handed sons of labor send men of their own choosing to make laws for them?" a senator asked the drayman. "Simply because the entire system from top to bottom is a system of bribery and corruption," McGuire responded.

Leftist scholars find it difficult to part with the assumption that their subjects were natural radicals whose development was somehow arrested. We carefully analyze the "structural barriers" to socialism—the individualist ideal, loyalties to race or ethnic group instead of class, opportunistic major parties, etc.—as if their absence would allow the true interests of workers to shine through. But these elements *are* American history. Perhaps it is time to stop apologizing for the ways in which wage earners have defined themselves.

Labor historians no longer heap praise on Sam Gompers and his acolytes, but they have yet to confront the unique qualities of a culture in which even A.F.L.-C.I.O. unions must often struggle for legitimacy. Flashes of class consciousness do not yield a working class bent on fundamental social change. As the sullen quiescence of today's unemployed attests, exploitation alone does not breed resistance. □

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A Black Woman's Odyssey

MARGO JEFFERSON

PRAISESONG FOR THE WIDOW. *By Paule Marshall. G.P. Putnam's Sons. 256 pp. $13.95.*

Life, liberty, property and the pursuit of happiness are Paule Marshall's themes, and they are appropriate ones for the daughter of West Indian immigrants: to imagine and explore principles whose inventors neither imagined nor included you can yield many valuable insights.

Her first novel, *Brown Girl, Brownstones* (1959), might have been called *Persons and Property* in the nineteenth century, with its portrait of Barbadians in pre- and postwar Brooklyn, turning day work, factory work, frayed white-collar work and dogged ambition into savings and security. One family in particular dramatizes the results of these efforts: the daughter, Selina Boyce, becomes a classic young American heroine in her fight against the demands of family and society; her father embarks on a slow decline from dreamer to suicide; her sister settles into pious matronhood; and her mother, through hard work and hard bargaining, becomes a kind of female self-made man. Marshall vividly caught the textures and rhythms of their lives and language, as well as their foreignness and their familiarity.

Brown Girl, Brownstones was reissued last year. Still out of print are a poignant group of stories, *Soul Clap Hands and Sing* (1961), and an important novel, *The Chosen Place, The Timeless People* (1969). Marshall has written of her affection for "long, full-blown nineteenth-century tales," and for me *The Chosen Place* has echoes of *Middlemarch* and *Daniel Deronda*. Dense and masterly, it examines the varieties of colonial experience—racial, sexual, social and spiritual. The setting is the West Indies, but it is filled with tales and characters that extend to America, England and Africa. Through them it asks a number of questions: What roles do even the most benignly conceived development projects play in Third World countries, and what obligations must scholars on their payrolls meet? What relations exist among people whose backgrounds make questions of power, guilt and retribution paramount? How do private needs shape political gestures, and how do cultures, like individuals, recover from a traumatic past? (I especially recommend *The Chosen Place* to those who find V.S. Naipaul's ferocious contempt and despair in the face of such questions to be a compulsive rather than a complex response.) *The Chosen Place* is one of the few novels I know to have fully-realized black and white female characters—but then it is also one of the few to have fully-realized black and white male characters. Women are at the center of Marshall's work, entirely engaged in both the private and public worlds, varying greatly in age and experience.

A 64-year-old black woman, Avey Johnson, is the center of Marshall's new novel, *Praisesong for the Widow*. It is a taut, lean book, and although I miss the rich descriptive language of her earlier work, the paring-down suits the reserved widow. Its literary sources might be the hymn and the case history as well as the African praise song acknowledged in the title (and here Marshall plays on the fact that, traditionally, these songs celebrate men of prestige and position). Like these forms, it draws on memories of tribulation and lost pleasure; anguish endured and transformed.

On her yearly vacation cruise to the West Indies, Avey Johnson suddenly realizes that the familiar rituals of affluent widowhood—the well-kept home, the well-timed visits from children, the friends retained from habit rather than affection—have become unbearable. Beset by physical and emotional nausea, she leaves the cruise in Grenada, planning to return to her North White Plains home ("her special crystal in the china closet, her silverplate—all eighty pieces—in its felt-lined case") immediately.

The links between personal and cultural disintegration are Marshall's concern, as Avey's obsessive memories reflect. She dreams of her father's great-aunt, with whom she used to spend summers in South Carolina. That world of rural severity and ritual was compelling and forbidding to a Northern black child—to be remembered for a time, then put firmly behind one. Her great-aunt, whose every word seemed a moral pronouncement, used to repeat the tale, first told by a grandmother, of

Margo Jefferson is a critic who teaches at New York University.

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a group of Ibos brought as slaves to the Carolina coast, who took one look around, then walked back across the water, chains, manacles and all. Her body stayed behind, the grandmother used to say, but her mind was long gone with the Ibos; Avey knows that both her body and mind have stayed behind in the land of least possibility. Her marriage, which had begun so well, became a matter of property and propriety. She and her husband Jay became stereotypes—Pillar of the Community; Mother, Hostess and Homemaker. Their painful ascent to prosperity became not a challenge to racist prohibitions but a concession to bourgeois smugness.

In Grenada, Avey meets an old man who persuades her to spend a few days on nearby Carriacou; each year he and other "out-islanders," renowned in Grenada for their business sense and sobriety, return there to visit family and commemorate their past. Like the South Carolinians of her childhood, Carriacouans live sparely. Their customs and ceremonies are "the bare bones, the burnt-out ends" of centuries, but they are resonant: they contain echoes of the past Avey knows, and reveal "the bruised, still-bleeding innermost chamber of the collective heart." Among the Carriacouans, she begins to order her memories, to see what choices were imposed on her by history, circumstance and temperament, and to reconsider her future. It is as if she must understand the Middle Passage to take the voyage out: a personal odyssey must acknowledge the historical forces that shaped it.

Marshall uses literary technique to lay her themes bare, not, as in the past, to adorn them. The result is memorable and unsettling. Like Avey, she seems poised for a new departure.

A word on certain cavils that often arise in reviews of books by women or minorities. First off, it's asked, is the book universal? But what does universality mean, and is it always desirable? In art, it's often platitudes that are universal, and in any case our notions of philosophy, religion, history, literature, law and the social sciences, ther always carries us as far as we might like.

Then the perils of didacticism and ideology are cited: they threaten, it would seem, all efforts to break out of a literary ghetto. Aside from the question of who's defining the terms (one critic's ideology is another's esthetic), there are as many didactic modes and ideological voices as there are intelligent writers. Those who have experimented with them to linguistic, literary, philosophical and political ends include Musil, Borges, Barthes, Nabokov, Calvino and Kundera. So please, some new terms, whether of praise or condemnation. As the Rev. Herbert Brewster, the great gospel composer, once said, there are so many ways to be a fool it's hard to miss one. Surely there are as many ways to be a reader or critic. □

Making Sense of Secrecy

TOM GOLDSTEIN

SECRETS. *By Sissela Bok. Pantheon Books. 332 pp. $16.95.*

The best thing about Sissela Bok's new book is the idea; *Secrets*, which looks at an intriguing aspect of everyday life from a philosophical perspective, is the kind of book you want to like. Bok, who in the past has written subtly and convincingly about euthanasia and lying, discovers that secrets are trickier. There are secrets of state, trade secrets, military secrets and secrets that lawyers, doctors and priests keep. There are small-town-gossip secrets along with childhood secrets, secret ballots, secret negotiations and secret research. There are secret police and undercover police and undercover journalists, too. It is both the virtue and the vice of *Secrets* that Bok tries to make sense of all these variations.

She draws on an awesome knowledge of philosophy, religion, history, literature, law and the social sciences, and provides a great many footnotes. Unfortunately, she assumes that her readers are as well read as she, and erudition often dissolves into pedantry. Quickly now—who are Bishop Butler, Thomas Shepard and Henry Sigerist? These and dozens more are quoted approvingly without being identified.

Given the grand scope of this relatively thin book, it is hardly surprising that the writing and thinking are uneven. The underlying structure is wobbly, and it is difficult to know where Bok is coming from. At one point, for example, she writes: "There can be no presumption for or against secrecy in general. Secrecy differs in this respect from lying, promise-breaking, violence and other practices for which the burden of proof rests on those who would defend them. Conversely, secrecy differs from truthfulness and friendship and other practices carrying a favorable presumption." Yet when it comes to government secrecy, it is clear where her sympathies lie—she is against it. Bok heartily disapproves of Reagan Administration proposals that would reverse the last two decades' expansion of public access to government information and would impose on citizens "government controls unprecedented in peacetime."

To prefer openness to concealment is a perfectly honorable choice, but Bok's anti-government bias leads her to blurred analysis. In concluding a chapter on military secrecy, she turns to the Pentagon Papers and writes that while "some violate rules of secrecy surreptitiously, with few compunctions," Daniel Ellsberg and Anthony Russo—the pair who photocopied the documents that make up the Pentagon Papers—"did so openly; they were willing to take the responsibility for their acts and to accept the possibility of a criminal conviction."

It may well be that they expected their identities to be disclosed. It may even be that they wanted their identities disclosed. But they certainly did not rush forward to identify themselves when *The New York Times* began printing the historic documents. Doesn't Bok recall the fuss following the disclosure of Ellsberg's identity by Sidney Zion, the journalist who went on radio with his scoop days after *The Times*'s first installment?

Military secrets are the topic of only one of the book's eighteen chapters, some of which are better than others. There is a fascinating section on trade secrets and their history. I didn't know, for instance, that industrial espionage first became an issue in the eighteenth century, when traders returned from China with the techniques for making porcelain. Soon after, workers in Dresden were confined "as prisoners" and subject to arrest if they strayed from the walled-in plant. Industrial espionage grew in the nineteenth century, as companies tried to expropriate processes for manufacturing steel,

Tom Goldstein writes often on legal and political subjects.

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What readers say about

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AN ANTHOLOGY

"An Immensely Moving Tribute to America's Priceless Ethnic Heritage"

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Here is a marvelous new view of our world seen with the passion and compassion of Hungarian-American workers and scientists, artists and writers. A tasty smorgasbord indeed—the reportage and poetry, the drawings and photos—served for us by editor Zoltán Deák from the eighty years of treasures published by his newspaper, *Hungarian Word.* Confirms my long suspicion that all Hungarians have in them something of the poet.

Ranking with works like Adamic's *My Native Land* and Irving Howe's *The World of Our Fathers, This Noble Flame* is an immensely moving tribute to America's priceless ethnic heritage.

—Lester (Hank) Talkington

Paraphrasing Walt Whitman I say that he who touches this book touches the Hungarian people in the United States as well as in Hungary. And they, in turn, touch your heart.

—Dr. R. Avron Kartyshai
author, lecturer, publisher

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—Joseph V. Kahn, New York City

I just received *This Noble Flame.* I don't know where to start praising it: the content, the research work that must have gone into it, or the beautiful translation. I am deeply moved. *—Rudolph Mathé, Vienna*

What a wonderful treasure chest of poems, short stories, art, posters, reminiscences, scientific information and photos Zoltán Deák has put together. . . . This anthology is one to cherish; its contents will provide the reader with a valuable account of the working class's past and present struggles and it will do so in a fascinating way—through the medium of many arts. C.P. Snow, in the preface, speaks of the remarkable creativity of the Hungarian people who, though numbering only 10 million have contributed so significantly and continue to add so much more to mankind's heritage. The weekly *Hungarian Word* in this country adds the U.S. experience to that of the great achievements of their homeland. The book is well titled: it has been a noble flame and we must keep it burning.

—Leon Baya, New York City

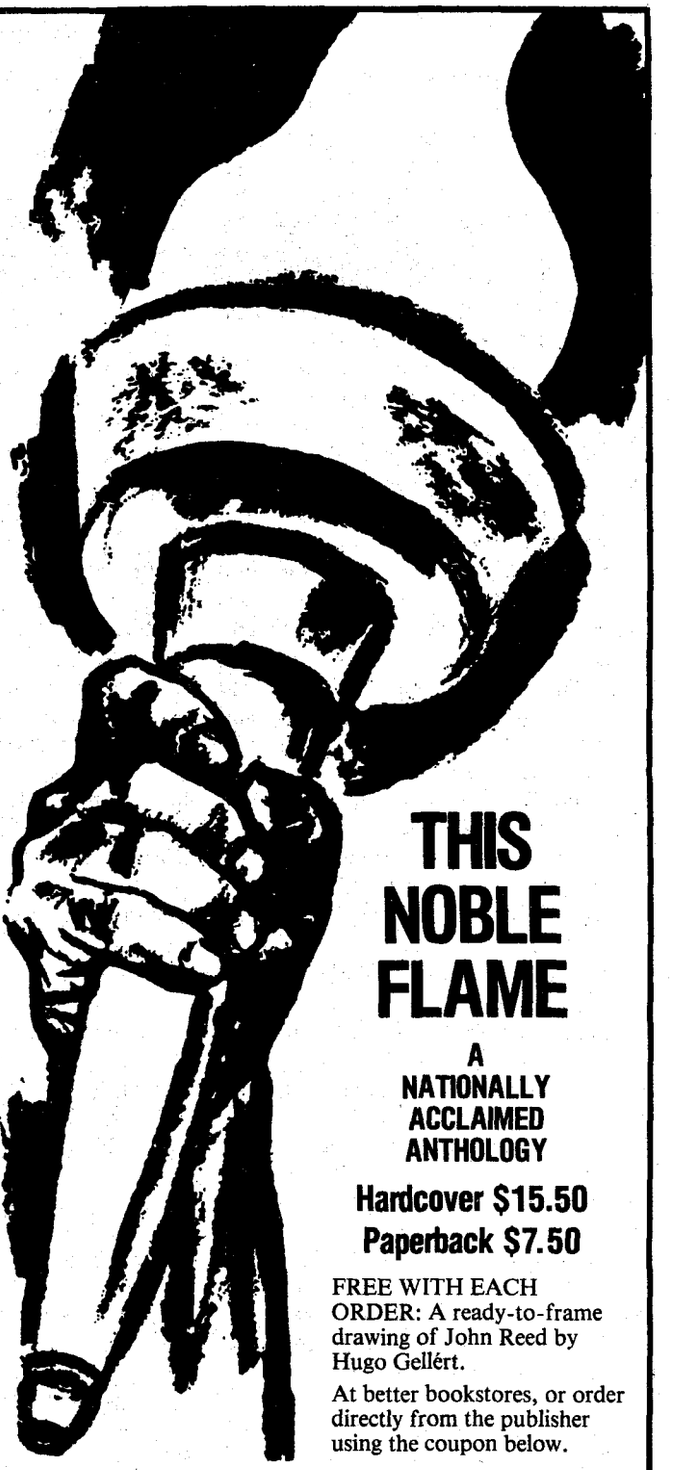
My vocabulary is too limited to adequately express my emotions upon reading this marvelous work. All glory to those who had a role in producing it!

—Alice Terranova, Huntsville, Ala.

This Noble Flame—what a glorious title! What glorious content! Names such as Petöfi, Bartók, Kodály, Molnár, Szilard, Szentgyörgyi, Gellért, Dr. Pogány, Gyetvay, Gross—what nation can match such a galaxy of talents!

As the wife of one of these men I was privileged to know some of these great people through my husband's association with them. The Hungarians and the American people have much to be proud of. Congratulations for the job done extremely well!

—Helen Gross, Chicago



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—Joseph Budish
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chemicals and machinery. Today, trade secrecy has gone international in a big way, with I.B.M. successfully suing Japanese firms accused of stealing documents containing I.B.M. secrets.

Much of the time, the scope of Bok's subject prevents her from exploring in detail the issues that she raises. She concludes a chapter on how secrecy can cut into the quality and momentum of scientific research with this platitude: "What is needed rather, is a re-examination of the role that secrecy now plays in science in different societies, of the worldwide impact of the combined practices, and of measures that might contain and reduce such secrecy while strengthening it in the narrow regions where it is beneficial."

Bok's examination of professional secrecy is surprisingly cursory and unsatisfying. It is hard, she says, "to agree with those lawyers who argue as a matter of course that they owe their clients silence about past, unsolved murders." It certainly is hard to agree with those lawyers, but this is a side issue, dealing with a situation that rarely arises. A more difficult, more controversial question is the ambiguous obligation of a lawyer to divulge a client's plan to commit a crime. Bok dismisses this with a rhetorical question: "Does a professional owe confidentiality to clients who reveal plans or acts that endanger others directly?" Lawyers are divided on this issue, with much depending on how "endanger" is defined, and they could certainly use some guidance. *Secrets* offers none.

In her chapter on news reporting, Bok constructs a straw man. She quotes from a 1973 code of ethics for journalists which states "journalists must be free of obligations to any interest other than the public's right to know." This is one of the few references I have ever seen to this code, which is published by a fraternal organization of journalists, Sigma Delta Chi, and is hardly the reporter's equivalent of the mandatory rules under which lawyers and doctors operate. "So patently inadequate" she continues, "is the rationale of the public's right to know as a justification for all that reporters probe and expose, that although some still intone it ritualistically at the slightest provocation, most now refer to it with tired irony." *Some* still intone? *Most* now refer to it? Not exactly rigorous documentation.

Her section on reporters "in disguise" does raise important, disquieting questions. As a prime example, she discusses the undercover caper conducted in the late 1970s by the *Chicago Sun-Times*, which operated a bar called the Mirage in order to expose widespread corruption among petty city officials. Some reporters posed as bartenders; photographers snapped pictures of payoffs from a hidden room. Is such subterfuge proper? Clearly, it is all right at the *Sun-Times*, which won several awards for its series. But is it wrong? Here, as elsewhere, Bok gives little direction. She dislikes clandestine reporting but suggests it may be permissible when no alternate means of probing a particular problem is available. Once it is determined that there is no alternative to subterfuge, she says, journalists, "knowing that such means are morally questionable," must "then ask themselves whether their goals warrant the use of such methods."

It is probably wrong to expect specificity from a book dealing in ethics, but this kind of advice is more frustrating than helpful. □

Toughing It Out

KEN KALFUS

JOE THE ENGINEER. *By Chuck Wachtel. William Morrow and Company. 216 pp. $11.95.*

THE WASHINGTON SQUARE ENSEMBLE. *By Madison Smartt Bell. The Viking Press. 342 pp. $15.75.*

ODDITORIUM. *By Hob Broun. Harper & Row. 282 pp. $14.95.*

The photographs on the jackets of these three first novels all show the authors as tough and solemn young men. Chuck Wachtel poses against a wall in what might be a handball court in Queens, his novel's venue. Madison Smartt Bell also uses a rough wall as a prop. Hob Broun wears a cowboy hat, sunglasses and a leather jacket. None of them look especially pleased about having their first novels published.

We may expect that they'll lighten up for the photographers the next time around, and each of these three books is good enough for us to suppose that there will be a next time. For now, however, Wachtel, Bell and Broun are intent on making impressions as men of the world. Their stances suggest that their readers might not be tough enough to bear the truths contained between the covers of their books.

Of the three novels, *Joe The Engineer* is at once the most ordinary and the most interesting. In high school, Joe Lazaro had a vague ambition of becoming an engineer. Ten years later, in the summer of 1977, he isn't close to being one, but he is known as Joe The Engineer anyway in order to distinguish him from all the other Joes who inhabit the working-class neighborhood of Richmond Hill. Since his return from Vietnam, he has read meters for Brooklyn/Queens Water Resources, making the rounds every day with his 54-year-old partner, Joe Flushing Avenue. They share evenings with each other at Mary's Bar and Grill. Both men are bored stiff. Joe Flushing Avenue can't imagine how anything could be different from what it is, and his partner perceives his own opportunities only dimly.

Meanwhile, Joe The Engineer's wife, Rosie, has been distancing herself from him, taking up intellectual pursuits he finds either boring or frightening. Rosie, a waitress, attends lectures and foreign films and reads Henry Miller, about whom all Joe knows, or thinks he knows, is that he was once married to Marilyn Monroe.

The burden of this modest plot is Joe's slow progress to the understanding that he can change his life. Wachtel writes without condescension and does not underestimate Joe's difficulties—indeed, he celebrates them. Joe has to climb out from under a tradition maintained by his family, his peers and his bankbook:

> He did what was expected of him. Got married, went to work, came home, sat with his elbows on the kitchen table. Bought an air conditioner and replaced the filter whenever it got blocked with soot. Nobody likes their job. You're not supposed to. His father hated his. He did it because he was supposed to. You show up in the morning because it's expected of you.

Joe might "tear a piece" with Joe Flushing Avenue and a pair of floozies, or embark on a brief liaison with a checkout girl from the A&P, but he doesn't learn how to get his life moving until Rosie demonstrates how to take an

Ken Kalfus is a freelance book reviewer.

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initiative—which she does by leaving him. Joe's story will make those who have more mobility than him see that their relative affluence has purchased that freedom; those who don't will see the walls of the rut they're in.

Chuck The Writer has built his novel from the familiar and the commercial: Reddi-Wip cans, Rheingold clocks, *Hollywood Squares*, the cougar on top of a car dealer's Lincoln-Mercury sign, Chips Ahoy! cookies and the original Jahn's restaurant on 118th Street, which he lovingly describes. His most fanciful metaphors are grounded in the mundane: left alone in a customer's basement, Joe reads the meter and then snoops around feeling like a ghost, until she calls downstairs and he "slips back into himself, like Certs the breath mint and Certs the candy mint."

Thoughtful without being intellectual, truthful without trying to shock, *Joe The Engineer* is a novel that Joe himself would probably like.

The Washington Square Ensemble, whose subject is the drug dealers who hang out in Washington Square Park, is to *Joe The Engineer* as Greenwich Village is to Richmond Hill. While Bell doesn't quite glorify them, New Yorkers who use the park for purposes other than purchasing drugs are likely to feel that he credits his pushers with more humanity and reasonableness than they possess.

Johnny B. is the drug dealers' fast-talking boss. He has given each of his "retailers" names—Yusuf Ali, Holy Mother, Santa Barbara—thereby grabbing each of them "by the short hairs of the soul." The retailers, along with Johnny B. and his erstwhile friend and customer Porco Misiere, take turns telling their stories. The bulk of the plot involves a "storytelling stone" that Porco, a penniless jazz musician and former mental patient, acquired from a Comanche Indian who then killed himself by downing a full bottle of mescal, worm and all. Santa Barbara, a nearly incomprehensible Puerto Rican mystic, insists that the Indian was a holy man and goes off, with Porco and Yusuf Ali behind him, to give him a proper burial in the East River. Meanwhile, Holy Mother rushes home to shoot up and Johnny B. is left musing about the condition of his soul.

Bell's dust-jacket pose complements the toughness of his characters. Yusuf Ali, before his conversion to Islam, skinned and ate rats in his cellar in the South Bronx. Holy Mother is a former Mafia hit man and a survivor and unconvincing historian of the Attica prison riot. As part of his initiation into the secrets of black magic, Santa Barbara drinks blood from the neck of a chicken moments after its head has been torn off. Washington Square Park isn't a park; it's a sideshow, complete with geek.

Telling a story from more than one point of view is a difficult trick, and Bell almost brings it off. He has created five distinct and consistent voices; well, nearly distinct, but most writers struggle to find *one* voice. The book has the feel of a modern jazz composition: the "ensemble" jams to one theme, but each player gets a solo.

Unfortunately, making such lowlifes interesting is an even harder trick. A rap and a life history isn't enough to animate them, or to inform us about the world as seen from the bottom of Fifth Avenue. Except for Johnny B., who is on stage the least, Bell's underworld characters are extravagantly crazy, and their craziness tells us little that is important or true. *The Washington Square Ensemble* is a hallucinogenic novel, but not quite a mind-expanding one.

THE BEIRUT MASSACRE

The Complete Kahan Commission Report

with an introduction by **Abba Eban**

"All those concerned were well aware that combat morality among the various combatant groups in Lebanon differs from the norm in the I.D.F. [Israel Defense Forces], that the combatants in Lebanon belittle the value of human life far beyond what is necessary and accepted in wars between civilized peoples, and that various atrocities against the noncombatant population had been widespread in Lebanon since 1975." *quoted from the Kahan commission report*

Based on the testimony of 163 witnesses and over 17,000 pages of documents, the Kahan commission report thoroughly examines the circumstances surrounding the Beirut massacre and exactly how much the highest-ranking Israeli leaders knew. It is a "stinging indictment" of those involved and sets universal standards of moral, civilized conduct even, or especially, in wartime. Release of the report on February 8, 1983 caused "a political earthquake" in Israel and led to massive public demonstrations and the resignation of Defense Minister Ariel Sharon. With an introduction by former Labor party Foreign Minister Abba Eban and with parliamentary speeches by Ariel Sharon and Labor party leader Shimon Peres, *The Beirut Massacre* provides a rare inside look into Israeli politics and the dilemma over the Palestinian problem.

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Odditorium is also about drug dealing, but it has more mayhem than plot. A stunt driver's head is torn off when his car falls short in a leap between two ramps; a stripper tumbles off her stage on the eve of her big break and snaps her spine; a woman professional softball pitcher tries to cut her wrists with a broken light bulb after a dispute with her lover/catcher. That's only the first twenty-four pages. Later, we learn that in childhood one of the characters had a testicle bitten by a black widow spider. It's as if Broun wishes to take full and malicious advantage of his absolute power over his creations.

The novel's heroine is Tildy Soileau, a promiscuous shortstop formerly of the all-woman Jacksonville Cougarettes. With Jimmy Christo, a recently released mental patient and petty thief hoping to make a big drug score, she runs a trunkload of marijuana to New York City, leaving her dissolute husband, Karl, in Florida, drinking and dreaming of buried treasure.

The pair's encounters in New York include one with a master drug dealer, much unlike Johnny B., who is writing a book on "the ingredients that threaten the most basic structure of our lives: psychiatry, deified technics, and the credit economy." They spend an evening at an impossibly exclusive disco, "the nightclub sensation of the nouveau hip nation." Tildy picks up the first baseman at an impromptu softball game in Central Park.

The book opens with a citation from H.L. Mencken explaining that an odditorium is "an exhibition of oddities." A novel, however, needs to be more than that; *Odditorium* never adds up to more than a series of bizarre adventures. Broun writes in a crisp and original prose that often sounds as if he's talking out of the side of his mouth. His observations are sharp and he keeps the reader at least a little curious about what bit of outrageousness is going to happen next. But real invention, as Chuck Wachtel demonstrates in *Joe The Engineer*, is not a function of outrageousness. In their next novels, let's hope that Bell and Broun offer us protagonists as odd and unpredictable as you and I. □

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BOOK NOTES.

THE STATE AGAINST BLACKS. *By Walter E. Williams. New Press, McGraw-Hill. 183 pp. $14.95.* In this lively tract, economist Williams challenges traditional liberal notions of race and economics. Like Thomas Sowell, Williams believes that blacks have been hindered by many of the institutions and regulations intended to help them. "Instead of racial discrimination and bigotry," he argues, "it is the 'rules of the game' which account for many of the economic handicaps faced by blacks." The rules of the game include the minimum wage law, Interstate Commerce Commission regulations and occupational and business licensing: a poor, illiterate Italian "arriving in our cities in 1925 or 1930 could, if he had ambition and industry, go out and buy a car and write TAXI on it. . . . Today a poor person . . . would find the path barricaded by a license costing $20, $30, or $60 thousand." But just as I found myself getting wrapped up in Horatio Algerish fantasies, I was flung back to earth by the following:

> Restrictions on the right to work are not part of America's past value system. After all, much of the impetus for our ancestors to risk all of what they had to come to America was the search for freedom. They sought not only religious and political freedom. They sought economic freedom as well.

Black Americans' ancestors did not come to this country seeking anything—they were shanghaied. All of Milton Friedman's theories cannot change history, and America has yet to resolve—economically or psychologically—the tragedy of its racial history.

BROTHERS: Black Soldiers in the Nam. *By Stanley Goff and Robert Sanders with Clark Smith. Presidio Press. 224 pp. $14.95.* Most writers on Vietnam have been white, as have been most of the soldiers they wrote about—yet half of the American soldiers who actually saw combat in Vietnam were black. Veterans Goff and Sanders seek to fill that gap with their own stories, told in a freewheeling oral-history style.

Although the book is often sloppy and repetitive, it strongly conveys the wide range of emotions that envelop a soldier during wartime—the sense of accomplishment during basic training, the dread of attack and the camaraderie: "For the first time in my life, I saw total unity and harmony. In the States, even in the rear of Nam, blacks and whites fought each other. But in the Nam, man, out in the field we were just a unit of force and harmony."

Neither Goff nor Sanders was particularly aware of the political ramifications of the war, but as young black men in the 1960s they knew they were pawns: "Word was going around, and it wasn't a quiet word, that blacks were being drafted for genocidal purposes. . . . There was a general consensus in 1968 that there must be a conspiracy against black youth."

Brothers is worth looking into.

—Christopher Policano

THEATER.

RICHARD GILMAN

Marcel Marceau on Broadway
On Your Toes

Marcel Marceau has been around for a very long time. He'll be 60 soon, and his hair ought to be turning gray. But it isn't; dyed or not, it's still completely brown, curly and youthful, and only the cords visible in his neck betray his true age. So much for the physical. In the artistic realm Marceau ought to be getting better—deeper and more complex, or deeper and simpler—but he isn't. Watching him now, I remember the first time I saw him, about twenty years ago: how revelatory he was, how delightful! Now he's merely efficient, occasionally funny or touching, but more often boring or irksome. Perhaps he's too familiar (or mime is). More likely, he has failed to move beyond the territory he originally staked out.

At Marceau's level of technical proficiency, pantomime can be thought of as the nearly exact science of demonstrating the invisible, together with the art of infusing that demonstration with wide meanings. In the physical area, the mime risks being merely anecdotal, or even sentimental; in the esthetic area he risks losing the audience in total abstraction. Marceau has always teetered between these two menaces, and

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now I think he's more often succumbing to them.

Let's take up the question of the anecdotal first. The pleasure of recognition is naturally at the heart of our response to mime. We like it on a primitive level in childhood and, presumably, in a more sophisticated way later on. Ah, we say, a man leading a dog; a goldfish; a fat lady traced in the air. Ah, we say at Marceau's current performances at the Belasco Theatre, a sculptor; a man on a train; a lion tamer. (I choose from some bits he performed at the show I saw. He himself chooses each night from a listed repertory of some fifty-five pantomimes, about half featuring his alter ego Bip.) The particular item is announced beforehand by an assistant with a placard, so we look for the fulfillment of the promise, although this doesn't, and shouldn't, mean that every element of the piece will be familiar to us in advance.

But too often it is: Bip shaking on a speeding train and struggling to get his suitcase onto the overhead rack; a "Maskmaker" unable to tear off a smiling mask, after we've been shown the sad "real" face. The man on the train exemplifies what I mean by the anecdotal, the mask maker is what I mean by sentimentality. And Marceau occasionally falls into the opposite trap, being so removed from common objects or gestures that he leaves you with nothing on which to pin a response. "The Angel," for instance, was thoroughly incomprehensible to me; at the same time, I could see it was pretentious.

At his best, Marceau can conjure up new worlds, with terrains we recognize but couldn't have fully predicted. "Bip and the Dating Service" is a shrewd contemporary fable about a lonely hearts club gone wild, supplying a patron with an endless stream of dates. "The Pickpocket's Nightmare" (in which Marceau is joined by two assistants, whose hands and arms are all we see) is wonderfully funny, relying on pure visual wit. There are other moments to admire, but too often Marceau stretches things beyond their intrinsic worth or offers us either what we already know or what we have no compelling interest in knowing.

It isn't difficult to understand why someone would want to resurrect *On Your Toes* (the Virginia Theatre). With the nearly total absence of new musicals, Broadway continues to plunder the past, and this 1936 Rodgers

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and Hart opus has the distinction of having been the first musical with "serious" choreography, by George Balanchine. (Peter Martins has done "additional" choreography for this production.) Such glints of Balanchine's early genius as can be detected are concentrated in the famous "Slaughter on Tenth Avenue" number with which the show closes.

That ballet was remarkably daring for its time and retains an edge of erotic vigor even now, but it isn't nearly enough to redeem the silly book, the stodgy direction (by George Abbott) and some thoroughly colorless performances. The show concerns some Americans entangled with a Russian ballet company in New York, and one of the minor pleasures (there are few major ones) is to hear people soberly saying things like "okey-dokey" and "razzmatazz." But the only reason I can responsibly offer for seeing *On Your Toes* is the presence of Natalia Makarova. You won't see the great ballerina doing any spectacular dancing or even exhibiting much technical prowess, but her Russian-accented English is charming and her long, elegant legs, displayed from time to time in situations having only a tangential bearing on the narrative, are expressive and beguiling. □

NEXT WEEK

Special Issue: "The New Arms Technology—and What It Means"

Articles by Mary Kaldor, Richard J. Barnet, Michael T. Klare, Christopher Paine, Stan Norris, and William Arkin and Peter Pringle

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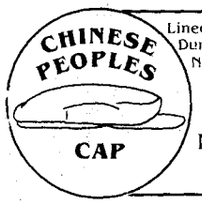

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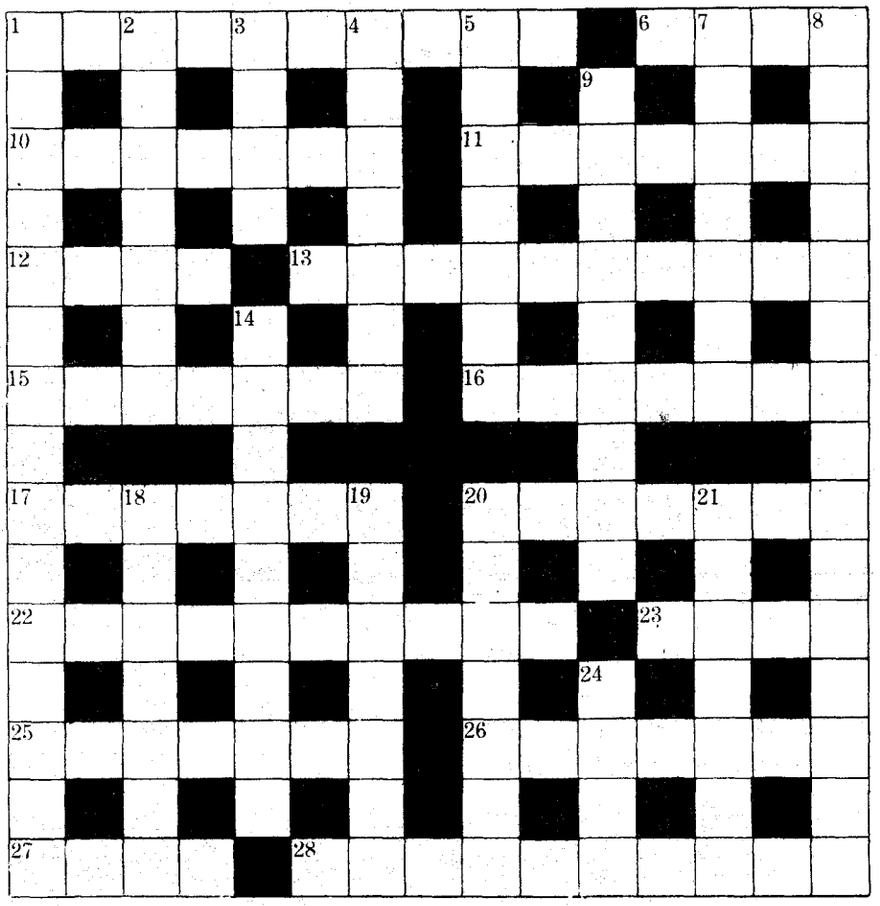
Crossword Puzzle No. 1956

FRANK W. LEWIS



ACROSS

1 What one might do for partners at a game that might have to be lowered. (10)
6 Exists as an indefinite feminine indicator with specific doctrines. (4)
10 You might consider it a rest from dresses. (7)
11 One might be innocent, but over dictatorial, in part. (7)
12 Vessels might be pushed out by them, and guts spilled accordingly. (4)
13 It was rolled out for a certain dance, and probably took in a lot of hops. (4-6)
15 Got in the contest, chopping a tree in the last part. (7)
16 The scales might be placed just in front of this sign. (7)
17 Helped by the world organization, or not helped at all? (7)
20 Old German Communist, changed in a related way. (7)
22 By which the men-of-war were moved, though not men-of-war. (10)
23 A great story—but that's only part of the picture! (4)
25 Rains do, in a storm, making serious encroachments. (7)
26 One who is so much more clever should sound like a poet! (7)
27 There's a point to one who might call you out of the pit. (4)
28 They should get what's coming to them. (10)

DOWN

1 An artist could, with an interior scene, as one might in the bedroom. (4,3,8)
2 and 18 Comparatively drunk, like something beatable but rather tense. (2,5,2,1,4)
3 What a dog does on the outside of a tree. (4)
4 Possibly detains, otherwise. (7)
5 Rules with a certain amount of gravity over two points. (7)
7 Suggests what an agitator might do, though you might put your foot in it. (7)
8 Make a homestead on the twenties of long ago—one might in the evening. (6,3,6)
9 One might be missing from the cell when they occur. (5-4)
14 Makes a move at checkers, with one having a little business to take care of. (9)
18 See 2
19 A weapon that comes up before the newspaper boss, in short? It's equivalent to what even Homer did. (7)
20 Obviously not for fighting. (4-3)
21 Is it material to come up with a musical repetition? (7)
24 Make it so, according to the American patriot. (4)

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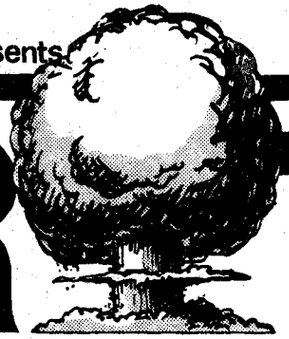

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